

# **The Constitution, Rules and Standing Orders of the Scottish National Party**



**Scottish National Party**  
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## Constitutional Review

The Party agreed in October 2016 to embark on a process of constitutional review to reflect our massive increase in membership since the Independence Referendum in 2014. Conference passed a Revised Constitution at Annual National Conference in October 2018 following a process of consultation with branches and the wider membership.

The key driver of the constitutional review was ensuring that the party continues to draw together the talents of all of the peoples of Scotland from all of the areas of Scotland. There is a renewed emphasis on the regions, with new Regional Steering Committees being established to drive forward organisation and the sharing of best practice at a regional level. Policy formation now looks more directly to grassroots policy development, with gender balanced regional representation on a new Policy Development Committee feeding into a newly created Conferences Committee. National Assemblies are to be held annually in all Scottish Parliament regions and sixteen members of the National Executive Committee are to be elected, two from each of the eight electoral regions.

Better reflecting all of the peoples of Scotland includes new National Office Bearer Posts: a separate position of Equalities Convener, a BAME Convener and a Disabled Members Convener. New Affiliated Organisations, including Scots Asians for Independence and Out for Independence also gain representation on an expanded National Executive Committee.

This document brings together the revised Constitution, the Explanatory Notes which accompanied the Constitution when it was passed, all of the Rules of the Party and the Standing Orders of the Party, which contain the procedures for National Conference, the National Executive Committee, the Association of Nationalist Councillors and our Parliamentary and Council Groups.

Transitional Directions, passed by the National Executive Committee have also been included. These set out the timetable for implementing the revised constitution, which can be summarised as follows:

*November 2018* – Chairs are being appointed to the Regional Steering Committees to allow them to start their work. They will all be members who cannot or will not stand for election as a Regional Member of the National Executive Committee.

*April 2019* – Elections at Spring National Conference, Edinburgh, for Member Support Convener, Policy Development Convener, 17 Members of the Policy Development Committee and 10 Members of the Conferences Committee. These are the posts and committees required for the new policy making framework. The terms for these members are to continue until 2020

Annual National Conference to give some continuity for the period when the new process is being developed.

*October 2019* – Other elections as required under the new Constitution to be held at Annual National Conference in Aberdeen, which will include the first separate elections for Women's Convener and for Equalities Convener together with the new posts of BAME Convener and Disabled Members' Convener. This would also be the first elections for the 16 Regional Members of the National Executive Committee, who will then take over as elected chairs of the Regional Steering Committees.

*October 2020* – Normal yearly cycle of elections begins at Annual National Conference.

The processes for rule-making were changed with the Revised Constitution, which implemented the decision of National Conference in June 2018 to abolish National Council. Key points are:

- National Conference remains responsible for its own Standing Orders.
- Rules for Branches, Constituency Branches and Constituency Associations can only be amended by National Conference.
- The Code of Conduct for Members can only be amended by National Conference. The National Executive Committee can amend other codes of conduct.
- Standing Orders for Parliamentary Groups can now be amended by the National Executive Committee on a two-thirds vote following a proposal by the group concerned supported by a two-thirds vote.
- Standing Orders for Council Groups can be similarly amended, with the proposal coming from the Association of Nationalist Councillors.
- All other rules and Standing Orders of the Party can be made or amended by the National Executive Committee, which must keep all rules under review.

With a revised Constitution now in place and an implementation timetable agreed, I am now focussing on modernising and updating other Rules of Party. The National Executive Committee has made the first start by agreeing a new set of Membership Rules which are included in this document. The general approach to reviewing existing rules has also been agreed as follows:

1. Reduce volume of rules, wherever possible.

2. Remove duplication and conflict between the constitution and rules. Format for individual rules to include preamble setting out relevant constitutional provisions.
3. Revise rules which have generated high level of queries in the past (eg special business).
4. Generally align rules to how the party currently operates (eg on transfer of members between branches).
5. Draft with the Member's Online Hub in mind (eg for submission of resolutions) and consider future party network systems infrastructure.
6. Use "light drafting" for new bodies.
7. Aim to have provisions at the appropriate level to balance importance and flexibility (Constitution, Rules, NEC Rules, Guidance, Advice).
8. Set out principles and end results, where possible, rather than the details of the process to get to that end.
9. Make formatting clean and consistent and use plain language and gender-neutral drafting throughout (and remove "he or she").
10. Don't revise for the sake of revising. Be prepared to justify any revision.

All organisations need rules to operate and the SNP is no different. But I am particularly keen to ensure that our rules should not get in the way of the further development of the Party, which is why a relatively "light drafting" approach will be used for the new bodies of the Party once they start operating and know what sort of rules they need. Best practice sharing, now part of the Constitution, is sometimes a better way of achieving effective working as new rule formation.

If anyone has any suggestion on how our existing rules should be changed, I'm always open to suggestions and can be emailed on [national.secretary@snp.org](mailto:national.secretary@snp.org)

Finally, a reminder that all of the rules in this document are subject to the Constitution of the Party. If there is any inconsistency between rules and the constitution, the constitution prevails and this must be borne in mind particularly for rules which pre-date our latest revisions.



Angus MacLeod  
National Secretary  
November 2018

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# **The Constitution of the Scottish National Party<sup>1</sup>**

## **The Party**

### **1 Name**

The Party's name is the Scottish National Party.

### **2 Aims**

The aims of the Party are—

- (a) Independence for Scotland; that is the restoration of Scottish national sovereignty by restoration of full powers to the Scottish Parliament, so that its authority is limited only by the sovereign power of the people of Scotland to bind it with a written constitution and by such agreements as it may freely enter into with other nations or states or international organisations for the purpose of furthering international cooperation, world peace and the protection of the environment.
- (b) the furtherance of all Scottish interests.

### **3 Policy and Direction**

The Policy and Direction of the Party is that laid down in accordance with this Constitution, and Rules made under it.

## **Members**

### **4 Membership**

4.1 The rights of membership include—

- (a) voting in elections for Leader and Depute Leader of the Party;
- (b) contributing towards development of the Party's policies;
- (c) voting in elections for office bearers at Branch level;
- (d) contributing to local campaign activities;
- (e) voting to select the Party's candidates at public elections;

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<sup>1</sup> This constitution has been footnoted with the contents of the preamble to the constitutional resolution passed by Annual National Conference 2018, marked "(CR)", and the Transitional Directions, passed by the National Executive Committee on 3 November 2018, marked "(TD)".

- (f) seeking to stand in internal elections for offices in the Party;
- (g) being considered as a candidate able to stand for the Party in public elections;
- (h) attending National Conference and National Assembly; and
- (i) receiving information on the Party's operation and campaigns.

4.2 Members must—

- (a) be over the age of 16;
- (b) endorse the Aims of the Party;
- (c) abide by the Policy and Direction of the Party;
- (d) accept the Constitution, Rules and Standing Orders of the Party; and
- (e) pay a subscription to the Party.

4.3 Members must not—

- (a) breach the Codes of Conduct;
- (b) contest, or declare an intention to contest, any parliamentary or local government election except as an authorised Party candidate;
- (c) be a member of a political party expected to contest elections in opposition to the Party; or
- (d) be a member of any organisation inconsistent with Party membership.

4.4 Membership ceases when a member—

- (a) intimates their resignation to the Party;
- (b) publicly resigns;
- (c) does not pay their subscription to the Party;
- (d) becomes ineligible for membership; or
- (e) is expelled from the Party.



- 4.5 Rules of the Party must provide for life membership and the conferring of honorary life membership.
- 4.6 A person may be an associate member of the Party if they are—
- (a) under the age of 16; or
  - (b) an individual falling into a description of persons set out by National Conference.<sup>2</sup>
- 4.7 Associate members have all the rights and duties of ordinary members, except that they may not—
- (a) vote in any body of the Party or in any selection contest;
  - (b) be a delegate to any body of the Party;
  - (c) be eligible for election to any position in the Party where the position is to be filled before their sixteenth birthday.
- 4.8 Associate members over the age of 14 may vote at Branch meetings.
- 4.9 The rights and obligations of membership are subject to further provisions which are made in this Constitution, and in the Rules of the Party.

## 5 Codes of Conduct

- 5.1 The National Executive Committee must draw up and maintain a Code or Codes of Conduct for members, office bearers, candidates and publicly-elected members setting out minimum standards of behaviour.
- 5.2 The National Executive Committee may draw up and maintain Codes of Conduct for other classes of members.
- 5.3 The Code of Conduct for Members and any amendments must be submitted by the National Executive Committee to National Conference for approval.

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<sup>2</sup> A person who is seeking asylum and is prevented from working or accessing cash, may become an Associate Member of the Party without payment of a membership subscription (CR).

## 6 Member Conduct<sup>3</sup>

- 6.1 Allegations that a member has breached a Code of Conduct or has otherwise breached the requirements of membership are considered by the National Secretary.
- 6.2 The National Secretary may suspend a member from exercising any or all rights of Membership while allegations are being investigated and considered by the Party. In all cases where this action has been taken, the suspension will be regularly reviewed.
- 6.3 The Member Conduct Committee hears complaints by the National Secretary to take disciplinary action in relation to an allegation.
- 6.4 On a finding that an allegation has been established in whole or in part, the Member Conduct Committee may—
  - (a) admonish the member;
  - (b) restrict the member's exercise of any membership right for a specified period;
  - (c) suspend the member from exercising all membership rights for a specified period;
  - (d) expel the member;
  - (e) require the member to agree to an appropriate restorative action, such as an apology, as a condition on the exercise of any or all membership rights;
  - (f) require the member to undertake appropriate training connected to the breach;
  - (g) impose any other proportionate sanction or requirement on the member.
- 6.5 The Member Conduct Committee imposes sanctions having regard to a Standards Breach Policy approved by the National Executive

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<sup>3</sup> Until the replacement of the current Code of Conduct for Members, the grounds on which the National Secretary may propose that the Member Conduct Committee take disciplinary action are that set out in Paragraph 23.4 of the 2004 Constitution with the reference to "clause 4 of this Constitution" being read as a reference to the requirements of membership in the 2018 Constitution (TD).

Committee. A member may agree with the National Secretary to accept a specified sanction.

- 6.6 The member has a right of appeal to the Conduct Appeals Committee against a decision of the Member Conduct Committee to make a finding of breach, or to impose any sanction which is excessive.
- 6.7 The Member Conduct Committee and the Conduct Appeals Committee are elected by Annual National Conference. No member may be a member of both committees. No member of the National Executive Committee may be a member of either committee.

## **Candidates**

### **7 Mainstreaming Equality of Opportunity**

- 7.1 The National Executive Committee must establish and maintain a strategy to deliver equality of opportunity in the selection of candidates.
- 7.2 The equality strategy must aim to ensure the Party fields a balanced list of candidates, aiming towards 50/50 gender-balanced representation and increasing the number of candidates drawn from under-represented groups.
- 7.3 The implementation of the equality strategy must be monitored by the National Executive Committee.
- 7.4 The National Executive Committee must also agree a plan for each election, which may include the use of specific mechanisms approved by National Conference.

### **8 Approval of Candidates**

- 8.1 The National Executive Committee is responsible for drawing up a list of approved candidates for elections contested by the Party through the Candidate Assessment Committee, which must apply assessment criteria agreed by the National Executive Committee.
- 8.2 Members have a right of appeal, in circumstances prescribed by the National Executive Committee, to the Candidate Appeals Panel against any decision not to approve them as a candidate.

### **9 Number of Candidates**

The National Executive Committee is responsible for determining if any election is to be contested and, in multi-member wards, how many candidates are to stand.

## 10 Selection of Candidates

10.1 Candidates for parliamentary and local government elections are to be chosen, and where necessary ranked, by election amongst all the members resident within the electoral area concerned.

10.2 The National Executive Committee determines the timetable and process for the selection of candidates for a particular election and issues rules for the selection of candidates at each election, which may—

- (a) specify requirements for candidates to be nominated for a selection contest;
- (b) limit the involvement of party office bearers and officials in any contest;
- (c) prescribe the contact which candidates may make with members during the contest through email and other channels;
- (d) otherwise set out limits on how candidates for selection may campaign;
- (e) describe the process for the balloting of members and for the counting of their votes;
- (f) contain processes for the deselection of candidates; and
- (g) provide for the selection of any candidate by the National Executive Committee in circumstances where no candidate has been selected and an election is anticipated within two calendar months.

10.3 Rules must require that where a candidate has been selected by the National Executive Committee and the selection is to a proposed party list, the candidate is to be placed below all candidates already on the proposed list.

10.4 Any decision on the certification of candidates to be returned on a party list on a vacancy arising must be made by the National Executive Committee.

## **Local Organisation**

### **11 Branches in Scotland**

11.1 Branches are the basic level of organisation for the Party, each being responsible for the Party's activity within a defined geographical area of operation.

11.2 A Branch must—

- (a) have the minimum number of members required by Rules of the Party;
- (b) have paid any levies required by the National Executive Committee;
- (c) have the necessary arrangements in place to conform with political party registration and the accounting requirements of current legislation; and
- (d) have a constitution that conforms with Rules of the Party.

11.3 A Branch with the same boundaries as a Scottish Parliament constituency is known as a Constituency Branch.

11.4 Branches have authority to conduct their own affairs, subject to this Constitution and the Rules of the Party, and any specific direction given to them by the National Executive Committee.

11.5 Branches conduct their business in accordance with, and contribute to, the Party's strategic aims and operational objectives, whether determined by National Conference, the National Executive Committee, its Constituency Association or relevant Westminster Campaign Committee, Council Campaign Committee or Regional Steering Committee.

11.6 Branches may organise their members into Groups for the purposes of more efficient organisation.

## 12 Other Branches

12.1 A member who does not desire to be a member of a branch with a geographic area of operation, or is otherwise unable to be a member, may be a member of Headquarters Branch.

12.2 Branches may be established for members residing outwith Scotland.

## 13 Constituency Associations

13.1 The Branches within each constituency for the Scottish Parliament form a Constituency Association, responsible for—

- (a) co-ordinating the work of the Branches within the constituency;
- (b) co-ordinating the Party's electoral activities and developing the Party within the constituency; and
- (c) acting as a point of liaison between an elected Member of the Scottish Parliament or UK Parliament and the Party.

13.2 Constituency Associations have responsibility for an election to the UK Parliament or to a local authority, where the boundaries of either or both of these are the same as the boundary of the Scottish Parliament constituency.

13.3 Constituency Associations are composed of an equal number of delegates from all of the Branches within the constituency.

## 14 Meetings and Organisation

14.1 All meetings of the Party must take place in appropriate and accessible venues.

14.2 The National Executive Committee maintains a list of which Branches, Constituency Branches and Constituency Associations comprise the Party organisation in each area of Scotland.

14.3 The National Executive Committee may make alterations to the list—

- (a) in implementation of a request by the bodies affected; or
- (b) after consultation with all bodies affected and on giving reasons.

14.4 The alterations which the National Executive Committee may make are to—

- (a) establish any branch;
- (b) dissolve any branch;
- (c) rename any branch;
- (d) adjust the boundaries of any branch;
- (e) dissolve a Constituency Branch and establish a Constituency Association and branches in the Scottish Parliament constituency;
- (f) dissolve a Constituency Association and all branches in the associated Scottish Parliament constituency and establish a Constituency Branch;
- (g) suspend the operation of a Constituency Association, a Constituency Branch or a Branch;
- (h) take any consequential action, including reallocating responsibilities and funds to continuing Party bodies.

## 15 Westminster Campaign Committees<sup>4</sup>

15.1 Westminster Campaign Committees are responsible for the conduct of campaigns to the UK Parliament.

15.2 Westminster Campaign Committees are composed of delegates from all of the Branches with areas within the UK Parliament constituency, using a formula in conformity with Rules of the Party.

15.3 Westminster Campaign Committees will meet as directed by the National Executive Committee.

## 16 Council Campaign Committees<sup>5</sup>

16.1 Council Campaign Committees are—

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<sup>4</sup> Westminster Campaign Committees are to be regarded as the successors to existing Westminster Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Westminster Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules (TD).

<sup>5</sup> Council Campaign Committees are to be regarded as the successors to existing Local Authority Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Council Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules (TD).

- (a) responsible for preparing a local government manifesto in conjunction with the Council Group; and
  - (b) co-ordinating activities associated with local government elections.
- 16.2 Council Campaign Committees are composed of delegates from all of the Branches with areas within the local authority, using a formula in conformity with Rules of the Party.
- 16.3 Council Campaign Committees will meet as directed by the National Executive Committee.
- 17 Other Local Campaign Bodies
  - 17.1 The National Executive Committee may authorise the establishment of any other local campaign bodies with organisational powers.
  - 17.2 The constitution of any other local campaign bodies must be approved by the National Executive Committee.

## **Regional Organisation**

- 18 Regional Steering Committees
  - 18.1 There is a Regional Steering Committee for each Scottish Parliamentary electoral region.
  - 18.2 The roles of Regional Steering Committees include—
    - (a) sharing best practice across the region;
    - (b) identifying the training needs and development requirements of members in the region and working to ensure that those needs and requirements are met;
    - (c) acting as a point of liaison for regional members of the Scottish Parliament;
    - (d) the facilitation of cross-region, cross-authority and cross-constituency campaigning.
  - 18.3 The voting members of a Regional Steering Committee are—
    - (a) the two members of the National Executive Committee elected for that region; and



- (b) two delegates from each Constituency Association or Constituency Branch in the region.

18.4 The following are entitled to attend meetings of a Regional Steering Committee—

- (a) Council Group Leaders where any part of the local authority area is within the region;
- (b) Regional Members of the Scottish Parliament for the region;
- (c) Constituency Members of the Scottish Parliament with constituencies in the region;
- (d) Members of the UK Parliament where any part of their constituency is within the region;
- (e) National Office Bearers;
- (f) Ordinary Members of the National Executive Committee;
- (g) A representative of each Affiliated Organisation, who must be resident in the region; and
- (h) A representative of each group on the National Equalities Forum, not otherwise represented, who must be resident in the region.

18.5 Regional Steering Committees are co-chaired by the members of the National Executive Committee elected for that region and must meet at least quarterly.<sup>6</sup>

18.6 The National Executive Committee, on a request by a Regional Steering Committee, Constituency Association, Constituency Branch, or Branch may agree cross-border responsibilities for particular elections.

## 19 National Assembly

19.1 National Assembly—

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<sup>6</sup> Regional Steering Committees are not required to meet at least quarterly during 2018 and 2019 (TD). This direction is there as a safeguard against the constitution being breached while these committees are being established.

- (a) meets in each of the Scottish Parliament electoral regions at least once a year;<sup>7</sup>
- (b) provides a forum for members of the Party to exchange ideas for attaining the aims of the Party;
- (c) considers, reviews and debates Party policy;
- (d) agrees draft resolutions and policy statements for consideration by the Policy Development Committee;
- (e) provides an opportunity for training;
- (f) performs such other functions as may be delegated to it by National Conference;

19.2 Any member of the Party is entitled to attend any meeting of National Assembly.

## **National Policy Making**

### **20 National Conference**

20.1 National Conference is the supreme governing and policy-making body of the Party.

20.2 The responsibilities of National Conference include —

- (a) determining the Party's policy;
- (b) holding the National Executive Committee to account;
- (c) receiving reports from:
  - (i) National Office Bearers,
  - (ii) Parliamentary groups,
  - (iii) Association of Nationalist Councillors,
  - (iv) Affiliated Organisations;

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<sup>7</sup> National Assembly is not required to meet in each electoral region in 2018 or 2019 (TD). This direction is there as a safeguard against the constitution being breached while the National Assembly cycle of meetings is being established.

- (d) delegating such powers and giving such directions as it thinks fit to other bodies of the Party.

20.3 Annual National Conference of the Party is composed of—

- (a) delegates from each Branch;
- (b) four delegates from each Constituency Association;
- (c) members of the National Executive Committee;
- (d) all parliamentarians who are members of a parliamentary group;
- (e) all councillors who are members of a Council Group;
- (f) delegates of each Affiliated Organisation.

20.4 The number of delegates from each Branch is—

- (a) two delegates for the first 20 members of the Branch; and
- (b) one additional delegate for each additional 20 members of the Branch or a fraction of 20 members.

20.5 The number of delegates from each Affiliated Organisation is—

- (a) the number of delegates the organisation would be entitled to if it were a Branch;
- (b) members of the organisation counting towards the calculation only if they are also ordinary members of the Party;
- (c) a minimum of six delegates; and
- (d) a maximum of fifteen delegates.

20.6 National Conference meets as Annual Conference once a year and as National Conference on at least one other occasion a year on dates and at a place fixed by the National Executive Committee.

20.7 When National Conference is not meeting as Annual Conference, the delegate entitlement will be as determined by the National Executive Committee having regard to the capacity of the selected venue. The minimum total delegate entitlement must be at least 750 members.

20.8 The quorum for National Conference is one third of those registered as delegates.

20.9 All elections at Annual National Conference are conducted using the single transferable voting system.

## 21 Policy Development Committee

### 21.1 The Policy Development Committee—

- (a) promotes discussion on Party policy at all levels of the Party;
- (b) offers advice on the development of resolutions for submission to the Conferences Committee;
- (c) encourages discussion of Party policy at National Assembly;
- (d) develops policy ideas from National Assembly with a view to having them debated in a resolution at National Conference;
- (e) identifies areas where Party policies could be updated;
- (f) encourages members to use online forums for initiating policy discussion and proposals; and
- (g) reviews policy proposals from members submitted on online forums.

### 21.2 The Policy Development Committee comprises—

- (a) the Depute Leader (as co-convenor);
- (b) the Policy Development Convener (as co-convenor);
- (c) sixteen regional representatives elected by Annual National Conference, who are not parliamentarians; and
- (d) one representative elected by Annual National Conference from delegates representing Branches outwith Scotland, who may not be a parliamentarian.

### 21.3 Regional representatives—

- (a) must be resident in the electoral region;
- (b) are elected at Annual National Conference by [members of the National Executive Committee, parliamentarians, councillors] and delegates from Constituency Associations and Branches

[resident or constituted] within each Scottish Parliament electoral region;<sup>8</sup> and

- (c) for each region, are one member elected from an all-female list and one member from an open list.

21.4 Regional representatives cannot also be Members of the National Executive Committee, but may stand for both positions and, if elected to the National Executive Committee, are to be regarded as withdrawn from the election as a regional representative on the Policy Development Committee.

## 22 Conferences Committee

22.1 The Conferences Committee sets the agenda for National Conference and—

- (a) receives all resolutions and amendments proposed for debate at National Conference, including resolutions submitted by individual members and supported by at least 500 members;<sup>9</sup>
- (b) establishes criteria for resolutions and amendments to be debated;
- (c) provides information on why a particular resolution or amendment has not been selected for debate;
- (d) allows delegates to rank resolutions by priority for debate;
- (e) keeps under review the Standing Orders for National Conference, which contains the rules on the conduct of debates; and
- (f) draws up and maintains rules and procedures for elections at Annual National Conference.

22.2 The Conferences Committee comprises—

- (a) the Depute Leader;
- (b) the Policy Development Convener;

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<sup>8</sup> Words in brackets inserted by Resolution 01 of Spring Conference 2019.

<sup>9</sup> The process for the submission of resolutions submitted by individual members and supported by at least 500 members will commence when facilities are operational. The membership of the Party will be advised when submissions can be made (TD).

- (c) the National Secretary (as Convener);
- (d) two members elected annually by the National Executive Committee from among their own number; and
- (e) ten ordinary members elected by Annual National Conference, who must not be members of the National Executive Committee, five of whom are elected from an all-female list and five of whom are elected from an open list.

## **National Organisation**

### **23 National Office Bearers**

#### **23.1 The National Office Bearers are —**

- (a) President,
- (b) Leader,
- (c) Depute Leader,
- (d) National Treasurer,
- (e) National Secretary,
- (f) Business Convener,
- (g) Organisation Convener,
- (h) Local Government Convener,
- (i) Policy Development Convener,
- (j) Member Support Convener,
- (k) Women's Convener,
- (l) Equalities Convener,
- (m) BAME Convener,
- (n) Disabled Members' Convener.

#### **23.2 National Office Bearers do not receive remuneration for their work.**

### **24 President**

The President is an honorary position in the Party, elected in recognition of distinguished service to the Party.

25 The Leader—

- (a) sets the political direction of the Party;
- (b) leads election and other campaigns;
- (c) approves manifestos for parliamentary elections;
- (d) articulates the argument for an independent Scotland; and
- (e) is Leader of the Scottish Parliamentary Group if a Member of the Scottish Parliament.

26 The Depute Leader—

- (a) is next in seniority to the Leader;
- (b) is responsible for directing the Party's policy-making processes and for the preparation of manifestos for parliamentary elections;
- (c) acts as Leader if the office of Leader is vacant until such time as a new Leader is elected by the Party;
- (d) is Leader of the Scottish Parliamentary Group if the Depute Leader is a Member of the Scottish Parliament but the Leader is not; and
- (e) is Deputy Leader of the Scottish Parliamentary Group if the Depute Leader and the Leader are both Members of the Scottish Parliament.

27 The National Secretary—

- (a) acts as guardian of the Constitution of the Party;
- (b) issues adjudications on the interpretation of the Constitution, the Standing Orders and the Rules of the Party;
- (c) assists in resolving disputes between bodies of the Party;
- (d) is responsible for disciplinary issues and oversight; and

- (e) prepares the agenda for meetings of the National Executive Committee.

28 The National Treasurer—

- (a) ensures the sound management of the Party's finances;
- (b) convenes the Finance and Audit Committee;
- (c) reports to the National Executive Committee and National Conference on the finances of the Party;
- (d) provides any necessary guidance and directions to other Treasurers in the Party; and
- (e) maintains the Party's Financial Scheme and ensures proper reporting of donations and regulated transactions to the Electoral Commission.

29 The Business Convener—

- (a) is appointed by the Leader, with the appointment being approved by the National Executive Committee;
- (b) chairs the National Executive Committee and National Conference, or nominates a person from the National Executive Committee to do so; and
- (c) oversees operational matters of the Party, including membership, campaign co-ordination and internal affairs.

30 Election of National Office Bearers

30.1 The National Office Bearers, with the exception of the Leader, the Deputy Leader, and the Business Convener, are elected at Annual National Conference.

30.2 If a National Office Bearer's post falls vacant before Annual National Conference, the vacancy may be filled by the National Executive Committee.

30.3 The positions of Leader and Deputy Leader—

- (a) are available for election in advance of Annual National Conference;
- (b) are filled following a ballot of all members of the Party;



- (c) require nomination, except for incumbents, by at least 100 members, who must be drawn from a minimum of 20 Branches;
- (d) when vacant, are filled under a timetable and process fixed by the National Executive Committee.

### 31 National Executive Committee

31.1 The National Executive Committee is responsible for—

- (a) the strategic management and political direction of the Party;
- (b) ensuring the decisions of National Conference are implemented;
- (c) oversight and interpretation of policy between meetings of National Conference;
- (d) agreeing detailed job descriptions for the National Office Bearers and any specific workstreams to be undertaken by them;
- (e) coordinating and monitoring the work of the National Office Bearers;
- (f) organising and directing national campaigns;
- (g) employment and direction of staff;
- (h) ownership of the Party's assets and management of the Party's financial affairs; and
- (i) any other matters expressly delegated to it by National Conference.

31.2 The National Executive Committee and any National Office Bearer may delegate any power under this Constitution and under the Rules of the Party to another person, body or sub-committee as described in a Scheme of Delegation.

31.3 Any Scheme of Delegation ceases to have effect at the end of the first meeting of the National Executive Committee after Annual Conference, unless renewed at that meeting.

31.4 The National Executive Committee is composed of—

- (a) the National Office Bearers;

- (b) two ordinary members elected by Annual National Conference, who are parliamentarians;
- (c) sixteen regional members elected by Annual National Conference, who are not parliamentarians;
- (d) a member representing each of the Party's parliamentary groups;
- (e) a member representing the Association of Nationalist Councillors; and
- (f) a member representing each Affiliated Organisation.

31.5 All members of the National Executive Committee must be members of the Party.

31.6 Regional members—

- (a) must be resident in the electoral region;
- (b) are elected at Annual National Conference by [members of the National Executive Committee, parliamentarians, councillors] and delegates from Constituency Associations and Branches [resident or constituted] within each Scottish Parliament electoral region;<sup>10</sup> and
- (c) for each region, are one member elected from an all-female list and one member elected from an open list.

## 32 Association of Nationalist Councillors

32.1 Every Party member who is also a member of the SNP Group on a Scottish local authority, is a member of the Association of Nationalist Councillors.

32.2 The aims of the Association of Nationalist Councillors include—

- (a) exchanging best practice between councillors and across Council Groups;
- (b) articulating a collective view on local authority issues to the Local Government Convener and national bodies of the Party; and

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<sup>10</sup> Words in brackets inserted by Resolution 01 of Spring Conference 2019.

- (c) co-ordinating the work of the Party's Councillors in achieving the Party's aims and advancing its policies.

### 33 Women's Forum

The Women's Forum is brought together by the Women's Convener and is open to all women members.

### 34 National Equalities Forum

34.1 The National Equalities Forum is brought together by the Equalities Convener and is made up of representatives of each of the party networks representing groups which have been under-represented in political life in the past.

34.2 The aims of the National Equalities Forum include—

- (a) maximising participation at all levels of the Party of under-represented groups;
- (b) encouraging and supporting members from under-represented groups to come forward as candidates for the Party; and
- (c) raising issues affecting under-represented groups in the Party.

### 35 Members' Interest Groups

35.1 Members of the Party wishing to cater for a specific interest within the Party may apply to National Conference for recognition as a Members' Interest Group.

35.2 The constitution of a Members' Interest Group, and any amendments to their constitution, must be approved by the National Executive Committee. The Members' Interest Group must operate in terms of its constitution.

35.3 National Conference, on the motion of the National Executive Committee, may resolve to dissolve any Members' Interest Group.

### 36 Affiliated Organisations

- 36.1 Any organisation that agrees with the aims of the Party and wishes to associate itself with the Party, may apply to National Conference for recognition as an Affiliated Organisation.<sup>11</sup>
- 36.2 The constitution of an Affiliated Organisation, and any amendments to its constitution, must be approved by the National Executive Committee. The Affiliated Organisation must operate in terms of its constitution.
- 36.3 National Conference, on the motion of the National Executive Committee, may resolve to disaffiliate any Affiliated Organisation.

## **Finance**

### **37 General Financial Provisions**

- 37.1 The National Executive Committee has full control over all monies, funds, property, investments and securities of any kind belonging to the Party.
- 37.2 The Financial Scheme sets out how the Party will regulate its financial affairs for the purpose of compliance with legislation.
- 37.3 The activities of all bodies of the Party must comply with the Financial Scheme.
- 37.4 The National Treasurer may take appropriate remedial measures, including financial measures, against any body of the Party which has failed to comply with the Financial Scheme or a direction issued by the National Treasurer.
- 37.5 The National Executive Committee provides funding for the reasonable costs required by disabled members to remove the barriers to equal participation in the activities of the Party.
- 37.6 The National Executive Committee may charge members and delegates to attend national events.
- 37.7 If any body within the Party ceases to exist, all assets, at the option of the National Treasurer, become property of the Party.

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<sup>11</sup> Under a resolution passed at Annual National Conference 2018, the Affiliated Organisations of the Party were recognised as BAME Members Network, Disabled Members Group, Federation of Student Nationalists, Out for Independence, Scots Asians for Independence, Trade Union Group and Young Scots for Independence.

## 38 Borrowing and Debt

38.1 The National Executive Committee has power to borrow money on behalf of the Party where necessary to finance the Party's activities.

38.2 No body within the Party may enter into borrowing unless prior agreement has been reached with the National Treasurer.

38.3 The National Secretary may deny any body mentioned in the Constitution which has a debt to the Party its entitlement to send delegates to National Conference until the debt is cleared.

## 39 Membership Subscriptions

39.1 National Conference determines the level of minimum membership subscription, the concessionary rate, and the rate for associate membership for individuals under 16, on a resolution submitted in the name of the National Executive Committee.<sup>12</sup>

39.2 Branches are credited with a proportion of membership subscriptions agreed by National Conference.<sup>13</sup>

39.3 Regional Steering Committees have power to request the diversion of membership subscriptions which would be otherwise payable to Branches in their area of responsibility to purposes agreed with the National Executive Committee.

## 40 Levies

40.1 Each Branch and Constituency Association must pay to the Party such levies as may be required by the National Executive Committee.

40.2 Rules of the Party may provide for Party bodies to levy other Party bodies for the purpose of campaign-related activities.

40.3 Every parliamentarian must pay a sum agreed by National Conference to the Party, which is ring-fenced for national campaigning purposes.<sup>14</sup>

## 41 Finance for Candidates at Parliamentary Elections

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<sup>12</sup> The level of minimum membership subscription is £12 each year; the concessionary rate is £5 each year; and the rate for associate membership for individuals under 16 who are not in any category specified by National Conference under Paragraph 4.6(b) is £2 each year (CR).

<sup>13</sup> The proportion credited to branches is 25% (CR).

<sup>14</sup> The Parliamentary levy is £3,000 each year (CR).

- 41.1 When a General Election to the UK Parliament is called, or a seat becomes vacant, all funds held by Branches and Constituency Associations become the property of the Westminster Campaign Committee for the purpose of contesting the election, using proportions determined by the National Executive Committee and based on the electorate in each area falling within the UK Parliament constituency.
- 41.2 When a notice of election for a member of the Scottish Parliament is issued, all funds held by Branches within the constituency become the property of the Constituency Association for the purpose of contesting the election.
- 41.3 When a Constituency Association or a Westminster Campaign Committee exercise their rights under this paragraph, any excess funds must be returned to the respective organisations in proportion to the funds gathered within 35 days of the poll.

## **Constitution, Standing Orders and Rules**

### **42 Group Standing Orders**

- 42.1 A proposal may be made by a parliamentary group to amend their Standing Orders, or by the Association of Nationalist Councillors to amend the Standing Orders for Council Groups.
- 42.2 The National Executive Committee may amend any Group Standing Orders if the proposal is supported by two thirds of the members of the proposing organisation present and voting at a specially-notified meeting.
- 42.3 Amendments are made to the appropriate Group Standing Orders if supported by two thirds of the members present and voting at the meeting of the National Executive Committee.

### **43 Rules and Standing Orders**

- 43.1 Standing Orders providing for rules on the conduct of debates at National Conference may only be amended by National Conference as the highest authority of the Party.
- 43.2 Rules providing for the constitution of Branches, Constituency Branches and Constituency Associations may only be amended by National Conference.

43.3 The National Executive Committee must draw up and maintain Rules of the Party and Standing Orders covering the following—

- (a) membership processes;
- (b) conduct of office bearers, candidates, publicly-elected members and other classes of members;
- (c) party discipline;
- (d) the constitution and operation of bodies within the Party, other than Branches and Constituency Associations;
- (e) elections to any national or regional office in the Party;
- (f) approval and selection of candidates to stand at any election in the name of the Party; and
- (g) any other aspect of the Party's activities which it considers appropriate.

43.4 All Rules of the Party and Standing Orders must be based on the principles laid down in this Constitution, read widely.

43.5 All Rules of the Party and Standing Orders may also be amended by National Conference. The National Executive Committee, in exercising its powers to draw up and maintain Rules, may not amend any rule which has the effect of reversing a decision of National Conference, other than a decision to adopt a new set of Standing Orders or Rules of the Party.

43.6 All Rules of the Party and Standing Orders have the same status as if they were incorporated in this Constitution and are binding on the structures and procedures of the person or body to which they refer.

43.7 In the event of a conflict between Standing Orders or the Rules of the Party and this Constitution, the Constitution prevails.

#### 44 Amending the Constitution

44.1 This Constitution can only be amended by a vote of at least two thirds of the delegates present and voting at National Conference.

44.2 Amendments to the constitution take effect from the end of the first meeting of the National Executive Committee following the National

Conference when the amendment was passed, unless the resolution contains its own provisions on commencement.

44.3 The National Executive Committee may give directions to ensure an orderly transition from existing provisions in the constitution to any new constitutional arrangements.

44.4 All Transitional Directions cease to have effect at the end of the next Annual National Conference after the amendment is passed.

#### 45 Interpretation

45.1 Should any question arise at a meeting regarding the interpretation of the Constitution, Rules of the Party or Standing Orders of the Party, the convener of the meeting must adjudicate on the question and their reasonable interpretation is final, unless a motion is passed requiring the person to vacate the chair.

45.2 Where such a question arises between meetings, the National Secretary has the final say on the interpretation of the Constitution, the Rules of the Party and Standing Orders of the Party.

#### 46 Availability of Rules, etc.

The National Secretary must arrange for the following to be made available to members on the Party's website in a current form—

- (a) this Constitution;
- (b) Codes of Conduct, Standing Orders and Rules of the Party;
- (c) Schemes of Delegation;
- (d) Transitional Directions;
- (e) guidance and directions by the National Treasurer to other treasurers of the Party of general application; and
- (f) any ruling by the National Secretary on the interpretation of the Constitution, Rules of the Party or the Standing Orders of the Party of general application.



## Transitional Directions

### *Basis of these Directions*

Paragraph 44.2 of the Constitution of the Scottish National Party provides that “Amendments to the constitution take effect from the end of the first meeting of the National Executive Committee following the National Conference when the amendment was passed...”

Paragraph 44.3 allows the National Executive Committee to “give directions to ensure an orderly transition from existing provisions in the constitution to any new constitutional arrangements.”

Under Paragraph 44.4 all directions of this nature “cease to have effect at the end of the National Annual National Conference after the amendment is passed”.

### *Direction from the National Executive Committee*

The resolution of Annual National Conference passed on 7 October 2018 replacing the Constitution of the Scottish National Party comes into effect at the end of the meeting of the National Executive Committee held on 3 November 2018, subject to the following transitional directions.

The provisions under the column headed “Paragraph in 2018 Constitution” do not come fully into force to the extent indicated in the column headed “Transition”.

Paragraph in 2018 Constitution	Description	Transition
6	Member Conduct	Until the replacement of the current Code of Conduct for Members, the grounds on which the National Secretary may propose that the Member Conduct

		<p>Committee take disciplinary action are that set out in Paragraph 23.4 of the 2004 Constitution with the reference to “clause 4 of this Constitution” being read as a reference to the requirements of membership in the 2018 Constitution.</p> <p>The Disciplinary Committee elected at Annual National Conference 2018 under the 2004 Constitution is the Member Conduct Committee under the 2018 Constitution.</p> <p>The Appeals Committee elected at Annual National Conference 2018 under the 2004 Constitution is the Conduct Appeals Committee under the 2018 Constitution.</p>
15	Westminster Campaign Committees	Westminster Campaign Committees are to be regarded as the successors to existing Westminster Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Westminster Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules.
16	Council Campaign Committees	Council Campaign Committees are to be regarded as the successors to existing Local Authority Liaison Committees, where operative, with existing office bearers and delegates deemed elected and appointed to the new bodies. Council Campaign Committees continue to operate under the existing Liaison Committee Rules until those rules are replaced with new rules.
18	Regional Steering Committees	<p>Paragraph 18.5 does not require Regional Steering Committees to meet at least quarterly during 2018 and 2019.</p> <p>Regional Steering Committees may be established and operate before the election of the two members of the National Executive Committee elected for that region. In that situation, Regional Steering Committee will be chaired by a</p>

		Member who resides in the region appointed by the Business Convener and the National Secretary acting jointly.
19.1(a)	National Assembly	National Assembly is not required to meet in each electoral region in 2018 or 2019.
20	National Conference	Members elected by Annual National Conference 2018 as elected members of National Council under Paragraph 10.2 of the 2004 Constitution are delegates to National Conferences up to and including Annual National Conference 2019.
21	Policy Development Committee	<p>The Standing Orders and Agenda Committee, as elected at Annual National Conference 2018 and as elected by the National Executive Committee on 5 November 2018, performs the functions of the Policy Development Committee until it is elected.</p> <p>Elections will be held for the sixteen regional members of the Policy Development Committee under Paragraph 21.2(c) of the 2018 Constitution and the one member representing Branches outwith Scotland under Paragraph 21.2(d) at the first National Conference in 2019 with the regional members holding office until Annual Conference 2020.</p>
22	Conferences Committee	<p>Paragraph 22.1(a) (process for the submission of resolutions for National Conference by individual members and supported by at least 500 members) will commence when facilities are operational. The membership of the Party will be advised when submissions can be made.</p> <p>The Standing Orders and Agenda Committee, as elected at Annual National Conference 2018 and as elected by the National Executive Committee on 5 November 2018, performs the functions of Conferences Committee until the end of the first National Conference in 2019.</p>

		Elections will be held for the ten members of the Conferences Committee under Paragraph 22.2(e) of the 2018 Constitution at the first National Conference in 2019, with the ten members holding office until Annual Conference 2020.
23	National Office Bearers	<p>The Women's and Equalities Convener elected at Annual National Conference 2018 may carry out the functions of both Women's Convener and Equalities Convener under the 2018 Constitution until the declaration of the result of the elections at Annual National Conference 2019.</p> <p>The Political Education Officer elected at Annual National Conference 2018 demits office at the first National Conference held in 2019.</p> <p>Elections for Policy Development Convener and Member Support Convener will be held at the first National Conference in 2019. The members elected to those posts will hold office until Annual National Conference 2020.</p> <p>Elections for Women's Convener, Equalities Convener, BAME Convener and Disabled Members' Convener will be held at Annual National Conference 2019.</p>
31	National Executive Committee	<p>The Six Ordinary Members of the National Executive Committee who were not parliamentarians, elected at Annual National Conference 2018 under Paragraph 14.2(c) of the 2004 Constitution may continue to sit on the National Executive Committee.</p> <p>Elections will be held for the sixteen regional members of the National Executive Committee under Paragraph 31.4(c) of the 2018 Constitution at Annual National Conference 2019.</p>

43	Group Standing Orders	The existing Standing Orders of the Parliamentary and Council Groups made under the 2004 Constitution and reproduced in the “SNP Rule Book October 2018” are Standing Orders for the purposes of Paragraph 43 of the 2018 Constitution.
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The provisions in the 2004 Constitution under the column headed “Paragraph in 2004 Constitution” continue in force to the extent indicated in the column headed “Continuation”.

<b>Paragraph in 2004 Constitution</b>	<b>Description</b>	<b>Continuation</b>
11	Standing Orders and Agenda Committee	The Standing Orders and Agenda Committee as elected at Annual National Conference and as appointed by the National Executive Committee on 3 November 2018 may continue to perform its functions under the 2004 Constitution and Rules of the Party.

The Rules of the Party and Standing Orders under the column headed “Rules of the Party or Standing Orders” and as reproduced in the document “SNP Rule Book October 2018”, continue to be Rules of the Party and Standing Orders of the Party, subject to any modification included in the column below under the heading “Modification” and insofar as not inconsistent with the 2018 Constitution.

<b>Rules of the Party or Standing Orders</b>	<b>Modification</b>
Branch Rules	The reference is Paragraph 3.2 to “relevant liaison committees” includes: Westminster Campaign Committees; Council Campaign Committees; Regional Steering Committees; and any other local campaign bodies under the 2018 Constitution.
Constituency Association Rules	

Liaison Committee Rules	These rules will continue to apply to Westminster Campaign Committees and Council Campaign Committees until rules are made for these separate bodies.
Rules on Conduct and Procedure of National Conference	“SNP Council Groups” is replaced by “councillors” “Standing Orders and Agenda Committee” is replaced with “Conferences Committee” from the election of Conferences Committee
Standing Orders for National Conference	“Standing Orders and Agenda Committee” is replaced with “Conferences Committee” from the election of Conferences Committee. Under Standing Order 9.4, the National Executive Committee appoints the Chief Steward and Depute Chief Steward.
National Assembly Standing Orders	
Rules of the Association of Nationalist Councillors	
Standing Orders of the National Executive Committee	
Leadership Election Rules	
Rules on Vetting and Selection of Potential Parliamentary and Local Government Candidates	
Code of Conduct for Members	
Code of Conduct for Approved Potential Parliamentary Candidates	
Code of Conduct for Approved Local Government Candidates	
Disciplinary Rules	“Disciplinary Committee” is replaced with “Member Conduct Committee” and “Appeals Committee” is replaced with “Conduct Appeals Committee”.
Finance and Audit Committee Rules and Brief	

## Membership Rules\*

### 1 Joining the Party

- 1.1 Any individual eligible for membership of the Party can join online or complete an application form and have it sent to Party Headquarters.
- 1.2 Membership of the Party commences once a subscription is paid or a Direct Debit is established.

### 2 Concessionary Rate

The concessionary rate for membership of the Party is available for unwaged members and members over the age of 60.

### 3 Associate Membership

- 3.1 Associate members will be issued with an associate membership card.
- 3.2 The details of any associate members under 14 will not appear on branch membership lists.

### 4 Life Membership

- 4.1 Life members of the Party do not require to pay a subscription.
- 4.2 The rates for individual life membership are fixed by the National Treasurer. There may be different rates depending on the age of the member.
- 4.3 A branch may propose to the National Secretary that one of their members is made an honorary life member of the Party in recognition of the member's long commitment to the Party. The sum payable by the branch on the nomination being accepted is fixed by the National Treasurer.
- 4.4 The President or the Leader may confer life membership of the Party on individuals who have given exceptional commitment to the Party.

### 5 Membership of other Parties and Organisations

- 5.1 A member who is a member of another party registered as a political party with the Electoral Commission in the Great Britain register and intending to contest elections in Scotland is regarded as being a

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\* The Membership Rules were passed by the National Executive Committee on 3 November 2018.

member of a political party expected to contest elections in opposition to the Party. A member in this situation ceases to be a member.

5.2 The National Executive Committee decides—

- (a) in any case of any difficulty, whether a political party is a party expected to contest elections in opposition to the Party; and
- (b) which organisations are inconsistent with Party membership.

6 Membership Invalidity

6.1 For a period of 90 days after membership commences, the National Executive Committee may, in exceptional circumstances, declare any membership invalid. The National Secretary will advise the individual concerned that their membership is invalid. Any subscriptions which have been paid will be refunded.

6.2 If a person who has been entered as a member is found to have been ineligible at the time of application to join the Party, the membership is invalid.

7 Geographical Branches outwith Scotland and Overseas Members

7.1 Branches may be established outwith Scotland under arrangements approved by the National Executive Committee.

7.2 The level of minimum membership subscription for overseas members is fixed by the National Executive Committee on a recommendation by the National Treasurer.

8 Headquarters Membership

Any member who does not desire to become a member of a Geographical Branch may become a member of Headquarters Branch.

9 Branch Transfer, Dissolution and Suspension

9.1 Where a branch is dissolved, its members must be transferred to another branch within the same Scottish Parliament Constituency.

9.2 A member may decide to be a member of a branch other than the branch covering their residence for ease of attendance at meetings, past association and connection, being an elected representative in the area, or for other good reasons.



- 9.3 Dissolution or suspension of a branch has no effect on the membership of any individual.

## 10 Renewal of Membership

- 10.1 Membership runs for one year from the commencement of membership.
- 10.2 Members will be invited to renew their membership prior to the date for renewal. If membership is not renewed by this date, members will be notified that their membership subscription is overdue and be invited to renew.
- 10.3 Following this date, the member's branch will also be notified that the membership is overdue for renewal and will be asked to contact the member.
- 10.4 If a member renews their membership within three calendar months of the due date of renewal, then the period —
- (a) is not regarded as a "lapse in membership"; and
  - (b) does not preclude the member from being the subject of a complaint to the Member Conduct Committee for their conduct during the period.

## 11 Public Resignation

- 11.1 A member "publicly resigns" when they seek to make their resignation a public matter, with the intention of harming the Party or individual members of the Party by their actions.
- 11.2 An individual may be regarded as publicly resigning if they have been a member within a year of the act constituting their public resignation.
- 11.3 The National Secretary must report the circumstances of any action considered to be a public resignation to the National Executive Committee and seek their confirmation that the actions constituted a public resignation.
- 11.4 Any person receiving notification of the opinion of the National Executive Committee that they have publicly resigned has a right of appeal to the Member Conduct Committee.
- 11.5 An appeal to the Member Conduct Committee must be made in writing to the National Secretary within 21 days of the notification.

## 12 Re-admission

12.1 This paragraph applies to individuals who —

- (a) have been expelled;
- (b) publicly resigned from membership of the Party; or
- (c) contested any parliamentary or local government election in Scotland except as an authorised Party candidate;

12.2 An individual falling within this paragraph may not become a member again without the consent of the National Executive Committee.

12.3 The National Executive Committee will only consider an application from such an individual submitted within two years of the event concerned in exceptional circumstances.

12.4 Applications for re-admission must be sponsored by two Branches or Constituency Associations.

12.5 The National Executive Committee in considering an application for re-admission may —

- (a) refuse the application;
- (b) grant the application; or
- (c) grant the application subject to such reasonable pre-conditions as appear appropriate.

12.6 In refusing an application for re-admission, the National Executive Committee may state what further steps the individual requires to take, or what time requires to elapse, before another application for re-admission can be submitted.

## Branch Rules

### 1 Rules

Each Branch will adopt a Constitution as follows, and this shall replace any previous Constitution.

### 2 Name

The name of the Branch shall be the Scottish National Party {INSERT} Branch (hereafter referred to as “the Branch”).

### 3 Objects

3.1 To further the aims, provide an efficient organisation, and spread the knowledge of the policy of the Scottish National Party, hereafter referred to as “the Party” in the following area {INSERT a list of the electoral wards which the Branch is responsible for in an addendum to this constitution} and to promote the organisation and expansion of activity within the Branch territory, in accordance with the Constitution, and Rules and Standing Orders of the Party.

3.2 To co-operate with other Scottish National Party Branches in the Constituency Association and with relevant liaison committees to secure the return of Scottish National Party candidates for parliament at all levels and local authorities and to provide satisfactory support and liaison for candidates when returned.\*

3.3 To raise adequate funds for the foregoing purposes.

### 4 Acceptance of Rules

The Branch accepts the Constitution, and Rules and Standing Orders of the Scottish National Party, together with any subsequent alterations thereto and that the Branch Rules shall be subject to the approval of the National Executive Committee of the Party.

### 5 Membership

5.1 Membership is open to an individual, who agrees to abide by the Constitution, and Rules and Standing Orders of the Party, and is

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\* Under the Transitional Directions, the reference to “relevant liaison committees” includes Westminster Campaign Committees; Council Campaign Committees; Regional Steering Committees; and any other local campaign bodies under the 2018 Constitution.

registered as an elector in the area covered by the Branch.

- 5.2 An individual, who is not registered as an elector in the area covered by the Branch, may request to be a member of the Branch subject to Branch approval.
- 5.3 The conditions of membership for, method of enrolment of, and level of subscription payable by individual members in this Branch shall be in accordance with the Membership Rules of the Party and any decision taken by National Conference, National Council and/or the National Executive Committee.
- 5.4 The resignation of a Member received by the Branch shall be reported to Party Headquarters within seven days of receipt of such notification.

## 6 Conduct of Members

The branch will report any alleged breach of the Party's Code of Conduct for Members, or contravention of the Constitution, or Rules and Standing Orders of the Party, to the National Secretary for investigation, who shall act in accordance with the Disciplinary Rules.

## 7 Office Bearers

7.1 The Office Bearers of the Branch shall be—

- (a) Convener,
- (b) Vice Convener,
- (c) Secretary,
- (d) Treasurer,
- (e) Organiser,
- (f) Political Education Officer,
- (g) Women's Officer,
- (h) Equalities Officer.

Other Office Bearers may be appointed if desired.

- 7.2 The Office Bearers shall be elected at the Annual General Meeting of the Branch.

7.3 No member shall hold simultaneously more than two of the Branch Offices listed in 7.1 (a) to (d) above.

7.4 No member shall hold simultaneously the offices of Convener and Secretary.

## 8 Executive Committee

8.1 Each Branch may, if desired, have an Executive Committee. The Executive Committee shall consist of the Branch Office Bearers and {INSERT} other members to be elected at the Annual General Meeting

8.2 The Executive Committee shall have powers to co-opt no more than three additional members.

8.3 The quorum for meetings of the Executive Committee shall be {INSERT}.

8.4 Meetings of the Executive Committee shall be held as required to conduct the business of the Branch between Branch meetings and to receive reports from Office Bearers.

8.5 The Executive Committee shall have powers to act on behalf of the Branch in an emergency. The Convener shall rule if there is an emergency but may not do so for matters covered by the Party Constitution, and Rules and Standing Orders (dealing with formal notification of resolutions etc to Headquarters) or covered by the Branch Constitution, Clause 17.1 "Special Business".

## 9 Finance and Property

9.1 The Branch shall elect a treasurer (and in the absence of a treasurer the Convener shall have this responsibility) who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the relevant legislation.

9.2 The administrative and financial year of the Branch shall be the calendar year.

9.3 Any heritable property owned by the Branch shall be in the names of three Office Bearers, one of whom shall be the Treasurer, and their successors in office. The Treasurer shall be responsible for the safe-keeping of any title deeds to property which shall normally be lodged with the Branch's bank or solicitors.

- 9.4 The Treasurer shall be responsible for keeping proper books of account, together with receipts for outpayments, and comply with all accounting arrangements set down by the Electoral Commission, the Party Treasurer (in reference to that role registered with the Electoral Commission), and/or the National Executive Committee, especially those concerned with the reporting of donations to the Branch.
- 9.5 The funds of the Branch shall be used only for the “Objects” as detailed in this Constitution, Clause 3.1 and 3.2.
- 9.6 Audited annual statements shall be submitted at either the February or March meeting of the Branch in accordance with the requirements of the relevant legislation and any subsequent regulations laid down by the Electoral Commission, the Party Treasurer (in reference to that role registered with the Electoral Commission), and/or the National Executive Committee.
- 9.7 The audited annual statements for a financial year shall be submitted to Party Headquarters (and to the Electoral Commission if required to do so) no later than 31 March in the year following the period which the audited annual statements relate to.
- 9.8 A written financial report shall be submitted by the Treasurer at each meeting of the Executive Committee and of the Branch.

## 10 Local Government Elections

- 10.1 When a local council ward to be contested lies wholly within the branch territory, the branch shall be responsible for—
  - (a) submitting the name(s) of any nominee(s) to the Local Government Liaison Committee (or relevant body determined in the Party’s Organisational Framework) for approval
  - (b) selecting the candidate(s) from the register of approved potential local government candidates agreed by the Local Government Liaison Committee in accordance with the Rules on Vetting and Selection of Local Government Candidates
  - (c) approving a candidate’s choice of election agent
  - (d) financing the local election campaign.
- 10.2 Decisions taken by the Branch shall be binding on all members of the Branch.

## 11 Annual General Meeting

11.1 The Branch shall hold its Annual General Meeting by the end of September of each year when the Office Bearers shall submit their reports for the preceding financial and administrative year. At least four weeks notice of the date, time and venue of the Annual General Meeting shall be given in writing to all members of the Branch. The detailed agenda for the Annual General Meeting shall be sent to all members of the Branch at least fourteen days before the date of the Annual General Meeting.

11.2 The circulated agenda for the Annual General Meeting shall contain a list of all nominations for Branch Office(s) and resolutions on Branch affairs and policy matters for consideration at the Annual General meeting, which have been notified in writing to the Branch Secretary. These resolutions and nominations of Office Bearers and Committee, duly signed by a proposer and seconder, shall be in the hands of the Branch Secretary twenty one days before the date of the Annual General Meeting. In the event of such written nomination not being made for an office, oral nomination, duly seconded, shall, with the consent of the nominee, be accepted.

## 12 Business of an Annual General Meeting

12.1 The business of the Annual General Meeting shall be—

- (a) to receive reports of Office Bearers
- (b) to consider resolutions proposed by members and submitted in accordance with procedure detailed in section 11.2 above
- (c) to elect Office Bearers and Committee members as provided in this Constitution
- (d) to elect two auditors
- (e) to elect delegates to Constituency Association, National Council, National Conference and other bodies as required.

12.2 Nothing in this section shall preclude general discussion of any topic permitted by the Convener of the meeting but no formal proposal, other than an emergency motion, may be considered without prior notice as detailed in Clause 11.2 above. Emergency Motions shall require to relate to matters which could not have been foreseen at the time the Agenda was compiled.

### 13 Ordinary Meetings

- 13.1 Ordinary meetings of the Branch shall be held as required to conduct the business of the Branch, receive reports of the Executive Committee and Branch delegates as appropriate and to provide an opportunity for Party and other speakers to address members on subjects of common interest, political or otherwise. Such meetings shall be held not less frequently than six times annually.
- 13.2 At least seven days notice of each ordinary meeting shall be given by the Branch Secretary in writing or by public notice unless all members have been notified in writing that regular meetings are held at a particular time.
- 13.3 When “Special Business” (as defined in Section 17.1 below) is included on the agenda, at least fourteen days notice in writing shall be required.
- 13.4 “Special Business” for consideration at an ordinary meeting must be notified to the Branch Secretary in writing not later than twenty one days before the date of the scheduled meeting and detailed in the notice calling the meeting.

### 14 Quorum and Voting

- 14.1 The quorum for a Branch meeting shall be {INSERT}.
- 14.2 Each member shall have one vote at meetings. The Convener shall have a deliberative and casting vote but the former may be used only whilst the vote of other members is being taken.

### 15 Special General Meeting

- 15.1 A Special General Meeting shall be called to discuss “Special Business” (as defined in Clause 17.1 below)—
  - (a) on receipt of a written request containing the details of the business to be discussed, submitted by at least {INSERT} members of the Branch, or
  - (b) on the instruction of a properly constituted meeting of the Branch or Executive Committee, or
  - (c) on the instruction of the Branch Convener.

### 16 Notification of Special General Meeting



At least fourteen days notice of a Special General Meeting, quoting the authority for calling the meeting, shall be given in writing to every member of the Branch and the business to be discussed shall be detailed on the notice. The meeting shall be held within three weeks of notification to the Branch Secretary of the business and no other business shall be in order at the meeting.

## 17 Special Business

17.1 “Special Business” shall include the following topics and may only be discussed at a meeting called by due notice as outlined in Clause 16 above—

- (a) any proposal to alter these Rules
- (b) selection of prospective local government candidate(s) or proposal for the deselection of a local government candidate
- (c) a proposal to suspend or remove a Branch Office Bearer or Committee member from office
- (d) a proposal to censure a local Councillor
- (e) any matter, being a matter not previously notified to members, ruled by the convener of any meeting of the Branch to be “Special Business”. (If the Convener does not invoke this rule a resolution, proposed and seconded, may be put to a meeting that a particular matter be ruled to be “Special Business”. If a simple majority of members present and voting declares in favour of the resolution, it shall be carried and the Convener shall rule the matter to be “Special Business”).

17.2 All proposals dealt with as “Special Business” shall require a majority of two-thirds of the members present and voting to be effective.

## 18 Press and Public Communications

Only members of the Branch authorised to do so by the Branch may make statements on behalf of the Branch in public or to the press.

## 19 Groups

The Branch may organise members in a geographic area into a Group. A Group is not recognised by the National Executive Committee and responsibility for the Group’s membership, activities and finances will remain with the Branch. Groups may be recognised by a Constituency

Association and/or Liaison Committee at the Constituency Association's and/or Liaison Committee's discretion.

20 Conduct of Meetings

20.1 The Convener shall be responsible to the Branch for the conduct of all meetings and shall be the deciding authority on points of order.

20.2 Except where otherwise specified, all issues involving voting will become effective by a simple majority unless stipulated differently in Party Rules and/or guidance issued by the National Executive Committee and, unless otherwise agreed at the meeting, voting will be carried out by a show of hands.

# Constituency Association Rules

## 1 Rules

Each Constituency Association will adopt a Constitution as follows, and this shall replace any previous Constitution.

## 2 Name

The name of the Association shall be the Scottish National Party {INSERT} Constituency Association (hereafter referred to as "the Association").

## 3 Objects

3.1 To further the aims, provide an efficient constituency organisation and spread knowledge of the policy of the Scottish National Party (hereinafter referred to as "the Party") in the {INSERT} Scottish Parliament constituency and promote the expansion and organisation of activity within the constituency, including the setting up of new Branches.

3.2 To secure the return of Party parliamentary candidates and provide satisfactory support and liaison when they are returned to Parliament.

3.3 To raise adequate funds for the foregoing purposes.

## 4 Acceptance of Rules

The Association accepts the Constitution, and Rules and Standing Orders of the Party, together with any subsequent alterations thereto and that the Association Rules shall always be subject to the approval of the National Executive Committee of the Party.

## 5 Membership of Association

5.1 Each Branch shall be entitled to equal representation by voting delegate Members in the Association. The number of delegate Members for each Branch shall be {INSERT}.

5.2 A Branch, of whose delegates one has been elected to the office of Convener of the Association, shall be entitled to appoint an additional delegate Member in place of the holder of that office. The Convener shall not be subject to voting instructions by the Branch.

5.3 Membership of the Association shall run from the date of election to the Association by a Branch subject to section 9.2 below, until the

Branch reappoints or changes the delegate Member(s). The Branch may change delegate Member(s) at any time during the year and must (re-)elect its delegates Member(s) at the Branch Annual General Meeting preceding the Association Annual General Meeting.

- 5.4 The Association shall have power to co-opt members of Branches in the constituency to membership of the Association. Co-opted Members shall not have a vote.

## 6 Notification of Change of Membership

Each Branch shall inform the Secretary of the Association, without delay, of any changes in its delegation to the Association.

## 7 Office Bearers

- 7.1 The Association shall at its Annual General Meeting, from the delegate Members appointed for the ensuing year, and in accordance with Section 9.3 below, elect a Convener, Vice-Convener, Secretary, Treasurer, Women's Officer and Organiser. Other office bearers may be elected if required. Should it be desired to elect a President or Vice-Presidents from the membership outwith the Association, these offices shall be positions of honour and shall not carry voting rights. Two auditors shall be appointed from the membership in the constituency but excluding Association office-bearers.

- 7.2 In all cases the term of office shall be until the next following Annual General Meeting after election.

## 8 Powers of the Association

- 8.1 The Association shall be responsible for the determination of the boundaries of Branches within the Constituency subject to the Organisational Performance & Development Rules.
- 8.2 Decisions taken by the Association shall be binding on all Branches within the constituency.

## 9 Annual General Meeting

- 9.1 The Association shall hold its Annual General Meeting in October of each year when the office bearers and Branches shall submit their reports for the preceding financial and administrative year. At least four weeks' notice of the date, time and venue of the Annual General Meeting shall be given in writing to all Members of the Association and to all Branch Secretaries. The detailed Agenda for the Annual

General Meeting shall be sent to all Members of the Association and Branch Secretaries at least fourteen days before the date of the Annual General Meeting.

9.2 Branches shall send to the Association Secretary, as soon as possible after their respective Annual General Meetings each year, the names and addresses of their newly-elected delegates to the Association and also notify the Association Secretary of the names and addresses of the reserve delegates who are authorised to represent the Branch in the absence of regular delegates. New delegates appointed by Branches will assume delegate status for the first ensuing meeting of the Association. These new delegates are normally the only Members eligible for election to Association office at the Annual General Meeting. However, retiring office-bearers as detailed in Section 7.2 even if not elected Branch delegates for the ensuing year, may be nominated for any Association office. If elected, such office-bearer would, with the exception of the Convener, have no voting right.

9.3 The circulated agenda for the Annual General Meeting shall contain a list of all nominations for Association offices and resolutions on Association affairs and policy matters for consideration at the Annual General Meeting which have been notified in writing to the Association Secretary. These Resolutions and nominations of office bearers shall be submitted by Branches in accordance with the Constitution, and Rules and Standing Orders of the Party, and shall be in the hands of the Association Secretary twenty one days before the date of the Annual General Meeting. Notwithstanding the receipt of written nominations by this deadline, oral nomination, duly seconded, shall, with the consent of the nominee, be accepted at the Annual General Meeting.

9.4 While there is normally a large turnout of ordinary members of Branches in the constituency at the Annual General Meeting and the Convener is normally disposed to permit these members to address the Annual General Meeting, only full Members of the Association may vote.

## 10 Business of Annual General Meeting

10.1 The business of the Annual General Meeting shall be—

- (a) to receive reports of office-bearers, Branches and Groups;
- (b) to consider resolutions proposed by Branches and submitted in accordance with the procedure outlined in section 9.3 above;

- (c) to elect office-bearers as provided in this Constitution;
- (d) to elect delegates to other bodies, as required.

10.2 Nothing in this Section shall preclude general discussion at the Annual General Meeting of any topic permitted by the Convener, who shall have power to rule any subject "Special Business" and to require that it be dealt with at the next meeting of the Association after due notification in writing to all Association members.

## 11 Ordinary Meetings

11.1 Ordinary meetings of the Association shall be held as required to conduct the business of the Association and to receive reports from the office-bearers, Branches and Groups. Such meetings shall be held not less frequently than four times annually.

11.2 At least ten days notice of each ordinary meeting shall be given in writing to each Member of the Association by the Association Secretary, unless all Members have been notified in writing that regular meetings are held at a particular time. When "Special Business" is included on the agenda, at least fourteen days' notice in writing shall be required.

11.3 "Special Business" for consideration at an ordinary meeting must be notified to the Association Secretary in writing not later than twenty one days before the date of the scheduled meeting.

11.4 Minutes of all meetings of the Association shall be circulated to all delegates of the Association within seven days following a meeting.

## 12 Quorum and Voting

12.1 The quorum of the Association shall be {INSERT} Members, representative of a majority of the Branches in the constituency.

12.2 Each Member shall have one vote at meetings. The Convener shall have a deliberative and casting vote, but the former may be used only whilst the vote of other members is being taken.

## 13 Attendance at Meetings

Any members of Branches in the constituency may attend any meeting of the Association, but unless they are Members of the Association they may not vote. They may, at the discretion of the Convener, be permitted to

address the meeting. This right of attendance does not apply to special committees set up by the Association.

#### 14 Special General Meeting

14.1 A Special General Meeting shall be called to discuss Special Business (as defined in Section 14.1 below)—

- (a) On receipt of a written request containing the details of the business to be discussed, submitted by at least two Branches in the Constituency; or
- (b) on the instruction of a properly constituted meeting of the Association; or
- (c) on the instruction of the Association Convener.

14.2 At least fourteen days' notice of a special General Meeting, quoting the authority for calling the meeting, shall be given in writing to every Member of the Association and to all Branch and Group Secretaries and the business to be discussed shall be detailed on the notice. The meeting shall be held within one month of notification to the Association Secretary of the business and no other business shall be in order at the meeting.

#### 15 Special Business

15.1 “Special Business” may only be discussed at a meeting after due notice, as detailed in Section 14.2 above, has been given and shall include the following—

- (a) Any proposal to alter these Rules.
- (b) Selection of prospective parliamentary candidate(s) for the constituency or proposal for the deselection of a parliamentary candidate in accordance with the Rules on Vetting and Selection of Parliamentary Candidates.
- (c) A decision to investigate the affairs of a Branch of the Party in the constituency.
- (d) The consideration of proposals contained in a report of investigation referred to in (c) of this Section.
- (e) A proposal to suspend or replace an Association office-bearer.

- (f) A proposal to censure a constituency Member of the Scottish Parliament or, if the Constituency Association also covers the Westminster Constituency area, a Member of the United Kingdom Parliament.
- (g) Any matter, being a matter not previously notified to Branches, ruled by the Convener of any meeting of the Association to be "Special Business". (In the event of the Convener not invoking this rule, a resolution proposed and seconded may be put to the meeting that a particular matter be ruled to be "Special Business". If a simple majority of members present and voting declares in favour of the resolution it shall be carried and the Convener shall rule the matter to be "Special Business".)

15.2 All proposals dealt with as "Special Business" shall require a majority of two-thirds of the members present and voting to be effective.

## 16 Emergency Powers

16.1 A meeting of not fewer than {INSERT} of the Association office-bearers listed in Section 7.1 above, and including at least one Association Member from each Branch in the constituency, shall have full power to act for the Association in emergency. The Convener shall rule if there is an emergency but may not so rule for matters listed under Section 14, "Special Business".

16.2 The Convener and Secretary of the Association, if available, shall be Convener and Secretary respectively of the Emergency Committee, which shall meet as required.

## 17 Constituency Levy

17.1 The Association shall agree, at its AGM or any subsequent Special Meeting thereafter, a levy which each Branch in the constituency shall pay. The Association may consider either a levy amount which is equitable to all Branches (and proportionate for Groups if it is decided Groups shall pay a levy), or a levy which is proportionate to the membership of each Branch. Any levy agreed is payable monthly or in advance.

17.2 Delegates of Branches in arrears with levies to the Association by three months or more shall be entitled to attend and speak, but shall not be entitled to vote at a meeting of the Association during the period of arrears, except at the discretion of a majority of the fully paid-up Members of the Association present at that meeting.



## 18 Finance and Property

- 18.1 The Association shall elect a treasurer (and in the absence of a Treasurer, the Convener shall have this responsibility) who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the relevant legislation.
- 18.2 The administrative and financial year of the Association shall be the calendar year.
- 18.3 Any heritable property owned by the Association shall be in the names of three office-bearers one of whom shall be the Treasurer, and their successors in office. The Treasurer shall be responsible for ensuring the safe-keeping of any title deeds to property, which shall normally be lodged with the Association's bank or solicitors.
- 18.4 The Treasurer shall be responsible for keeping proper books of account, together with receipts for outpayments, and comply with all accounting arrangements set down by the Electoral Commission, the Party Treasurer (in reference to that role registered with the Electoral Commission), and/or the National Executive Committee, especially those concerned with the reporting of donations to the Association.
- 18.5 The funds of the Branch shall be used only for the "Objects" as detailed in this Constitution, Clause 3.1-3.2
- 18.6 Audited annual statements shall be submitted at either the February or March meeting of the Association in accordance with the requirements of the relevant legislation and any subsequent regulations laid down by the Electoral Commission, the Party Treasurer (in reference to that role registered with the Electoral Commission), and/or the National Executive Committee. Audited annual statements shall be circulated to all Branches of the Party in the Constituency not less than twenty eight days before the date of the Association's Annual General Meeting.
- 18.7 The audited annual statements for a financial year shall be submitted to Party Headquarters (and to the Electoral Commission if required to do so) no later than 31 March in the year following the period to which the audited annual statements relate.
- 18.8 At each meeting of the Association, the Treasurer shall present a financial report. The Treasurer shall also submit the cash book for inspection by Association members quarterly.

19 Press and Public Communications

Only Members of the Association authorised to do so by the Association may make statements on behalf of the Association in public or to the press.

20 Responsibility for Discipline

20.1 It shall be the responsibility of the Association to ensure, as far as possible, harmonious working within the Branches, and between Branches in the constituency.

20.2 Any Branch in the constituency in disagreement with any other Branch in the constituency, should appeal in the first instance to the Association, submitting details of the disagreement in writing.

20.3 In the event of a satisfactory solution to the disharmony not being found by the Association, the Secretary of the Association shall write immediately to the National Secretary advising him/her of the difficulty.

21 Conduct of Meetings

21.1 The Convener shall be responsible to the Association for the conduct of all meetings and shall be the deciding authority on points of order.

21.2 Except where otherwise specified, all issues involving voting will become effective by a simple majority, unless stipulated differently in Party Rules and/or guidance issued by the National Executive Committee and, unless otherwise agreed at the meeting, voting will be carried out by a show of hands.

## Liaison Committee Rules\*

### 1 Rules

Each Liaison Committee will adopt the following Constitution and this will replace any previous Constitution.

### 2 Name

The name of the Liaison Committee shall be the Scottish National Party {INSERT} Liaison Committee (hereafter referred to as “the Liaison Committee”).

### 3 Objects

To further the aims, provide an efficient liaison body and spread knowledge of the policy of the Scottish National Party (referred to as “the Party”), within the electoral area of {INSERT}

by

- (a) Co-ordinating election campaigns within the electoral area for which responsibility has been given by the National Executive Committee
- (b) Encouraging Branches and other organisational units of the Party to work together in promoting the Party, its policies and candidate(s);
- (c) Securing the election of the Party’s candidate(s) and providing satisfactory support and liaison when they are elected;
- (d) Acting as a forum for discussion and action on matters related to the level of government for which the Liaison Committee has responsibility;
- (e) (In instances where the liaison committee has responsibility for local government elections) preparing a local government manifesto for approval by the National Executive Committee (or other such body delegated by the National Executive Committee), establishing of a Candidate Assessment Committee, and preparing a campaign plan which sets out the number of candidates to be nominated (in accordance with the Local Government Vetting and Selection Rules);

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\* Under the Transitional Directions, these rules will continue to apply to Westminster Campaign Committees and Council Campaign Committees until rules are made for these separate bodies.

- (f) in instances where the Liaison Committee has responsibility for local government candidates, and where more than one candidate has been selected in a multi-member ward), agreeing with candidates and branches details of which areas of the ward are to receive which types of leaflets, campaign messages, etc, as soon as the selection of all candidates to be stood in the ward is completed;
- (g) Raising adequate funds for the foregoing purposes.

#### 4 Acceptance of Rules

The Liaison Committee accepts the Constitution, and Rules and Standing Orders of the Scottish National Party, together with any subsequent alterations thereto and that the Liaison Committee Rules shall be subject to the approval of the National Executive Committee of the Party.

#### 5 Membership

5.1 The Liaison Committee will comprise of members nominated on the following basis—

- (a) A Branch (this includes Constituency Branches for the purposes of interpretation of this constitution) of the Scottish National Party within the electoral area shall be entitled to representation on the Liaison Committee based on conference delegate entitlement (or a multiple or divisor applied across the committee's membership), and part delegate entitlement dependent upon the share of the Branch's coverage within the electoral area.
- (b) The Committee will decide at its inaugural meeting whether Groups may be admitted as a Member and their level of representation.
- (c) Where the Liaison Committee has responsibility for local government elections, the SNP Council Group shall be entitled to {INSERT} members.
- (d) Other members of the Scottish National Party may attend and, with the consent of the meeting may speak but they shall not be allowed to vote.

#### 6 Terms of Membership

6.1 Membership of the Liaison Committee shall run from the date of nomination to the Liaison Committee by a Branch subject to section

9.2 below, until the Branch reappoints or changes the nominated member(s). The Branch may change nominated member(s) at any time during the year and must (re-) nominate at the Branch Annual General Meeting preceding the Liaison Committee's Annual General Meeting.

6.2 The Liaison Committee shall have power to co-opt members of a Branch in the Liaison Committee's electoral area to membership of the Liaison Committee on an interim basis where vacancies have arisen until such time as a nomination to appoint a new member, who may be the member co-opted to fill the vacancy on an interim basis, has been received from the Branch from which the membership vacancy has arisen. Co-opted members shall not have a vote.

6.3 The Liaison Committee shall have power to appoint members of Branches in the electoral area to membership of a sub-committee(s) of the Liaison Committee.

## 7 Notification of Change of Membership

Each Branch shall inform the Secretary of the Liaison Committee without delay, of any changes to its delegated Members to the Liaison Committee.

## 8 Office Bearers

8.1 The Liaison Committee shall at its Annual General Meeting, from the delegate Members appointed for the ensuing year, and in accordance with Section 9 below, elect a Convener, Vice-Convener, Secretary and Treasurer. Other office bearers may be elected if required. Two auditors shall be appointed from the membership in the electoral area but excluding Liaison Committee office-bearers.

8.2 In all cases the term of office agreed in 8.1 above shall be until the following Annual General Meeting after election.

8.3 The Committee may appoint sub-committees for special tasks. Conveners and Secretaries of sub-committees need not be the Convener and Secretary of the Committee. Sub-committee office bearers shall not have any voting rights unless as members of the Committee in their own right.

8.4 In the case of the Liaison Committee having responsibility for UK parliamentary elections, the Liaison Committee shall nominate an individual for consideration as the Westminster Campaign Co-ordinator, taking into account the knowledge and skills required for this role, to the Organisation Convener. The Westminster Campaign

Co-ordinator will be assessed for subsequent recommendation for approval by the National Executive Committee, under a process designed by the Organisation Convener and approved by the National Executive Committee. The Westminster Campaign Co-ordinator will co-ordinate the Liaison Committee's UK parliamentary campaigning efforts.

## 9 Meetings

- 9.1 The Annual General Meeting shall be held by 31 October. The Annual General Meeting shall be conducted in accordance with the procedures approved by the National Executive Committee from time to time.
- 9.2 At least one ordinary meeting shall be held in each quarter to conduct the business of the Liaison Committee and to receive reports from the office-bearers and Members representing each Branch.
- 9.3 Additional meetings or a meeting to conduct "Special Business" (as defined in Section 10) may be called by the Convener or Secretary in agreement, or by a request received by the Secretary in writing from any two members of the Committee.
- 9.4 At least fourteen (14) days notice of any meeting shall be given in writing by the Secretary.
- 9.5 Minutes of Meetings shall be sent by the Secretary to all Members within fourteen (14) days of the meeting

## 10 Special Business

- 10.1 "Special Business" may only be discussed at a meeting after due notice, as detailed in Section 9.4 above, has been given and shall include the following—
  - (a) Any proposal to alter these Rules.
  - (b) Selection of a prospective parliamentary candidate for the UK parliament constituency or proposal for the deselection of a parliamentary candidate (in accordance with Parliamentary Candidate Vetting & Selection Rules).
  - (c) A proposal to suspend or remove a Committee office-bearer from office.

- (d) A proposal to censure a sitting Member of Parliament or Councillor.
- (e) Any matter, being a matter not previously notified to members, ruled by the Convener of any meeting of the Committee to be "Special Business". (In the event of the Convener not invoking this rule, a resolution proposed and seconded may be put to the meeting that a particular matter be ruled to be "Special Business". If a simple majority of members present and voting declares in favour of the resolution it shall be carried and the Convener shall rule the matter to be "Special Business").
- (f) All proposals dealt with as "Special Business" shall require a majority of two-thirds of the members present and voting to be effective.

10.2 At least fourteen (14) days' notice of a meeting, called to conduct "Special Business", shall be given in writing by the Liaison Committee Secretary to the National Secretary.

## 11 Quorum and Voting

11.1 The quorum shall be one-third of the possible Members of the Liaison Committee.

11.2 Except where otherwise specified, all issues involving voting shall become effective by a simple majority. The Convener shall have a deliberative and casting vote. The former may be used only when the votes of other members is being taken. Voting will be by a show of hands unless the meeting decides otherwise.

## 12 Levy

12.1 Each Branch in the electoral area shall pay to the Liaison Committee {INSERT} each year, or such sum as shall subsequently be agreed by the Committee, payable monthly or in such frequency as the Liaison Committee decides. The Committee may agree to accept a payment in kind as a levy contribution but only where the Committee has agreed to this form of payment in advance.

12.2 Members nominated by a Branch in arrears with levies to the Liaison Committee by three months or more shall be entitled to attend and speak, but shall not be entitled to vote at a meeting of the Liaison Committee during the period of arrears, except at the discretion of a

majority of the fully paid-up members of the Liaison Committee present at that meeting.

### 13 Financial Affairs

13.1 The Liaison Committee shall elect a treasurer (and in the absence of a treasurer the Convener shall have this responsibility) who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the relevant legislation.

13.2 The administrative and financial year of the Committee shall be the calendar year.

13.3 The Treasurer shall be responsible for keeping proper books of account, together with receipts for payments and for making reports as per the regulations and guidance issued by the Party Treasurer or National Executive Committee on donations to political parties.

13.4 The funds of the Committee shall be used only for the objects (Section 3) as detailed in this Constitution.

13.5 Audited annual statements shall be submitted at either the February or March meeting of the Liaison Committee in accordance with the requirements of the Political Parties, Elections and Referendums Act 2000 and any subsequent regulations laid down by the Electoral Commission, the Party Treasurer (in reference to that role registered with the Electoral Commission), and/or the National Executive Committee. Audited annual statements shall be circulated to all Branches of the Party in the electoral area not less than twenty eight days before the date of the Liaison Committee's Annual General Meeting.

13.6 The audited annual statements for a financial year shall be submitted to Party Headquarters (and to the Electoral Commission if required to do so) no later than 31 March in the year following the period which the audited annual statements relate to.

13.7 At each meeting of the Liaison Committee, the Treasurer shall present a financial report.

### 14 Press and Public Communications

Only Members of the Liaison Committee authorised to do so by the Liaison Committee may make statements on behalf of the Liaison Committee in public or to the press.



15 Responsibility for Discipline

15.1 It shall be the responsibility of the Liaison Committee to ensure, as far as possible, harmonious working between Branches/Groups in the electoral area.

15.2 In the event of a satisfactory solution to the disharmony not being found by the Liaison Committee, the Liaison Committee Secretary shall write immediately to the National Secretary advising him/her of the difficulty.

16 Conduct of Meetings

16.1 The Convener shall be responsible to the Liaison Committee for the conduct of all meetings and shall be the deciding authority on points of order.

16.2 Except where otherwise specified, all issues involving voting will become effective by a simple majority, unless stipulated differently in Party Rules and/or guidance issued by the National Executive Committee and, unless otherwise agreed at the meeting, voting will be carried out by a show of hands.

# **Rules on Conduct and Procedure of National Conference\***

## **1 Representation at National Conferences**

- 1.1 The representation at National Conference shall be as detailed in the Constitution
- 1.2 The National Treasurer shall be responsible for assessing Branch(es) entitlement in accordance with the Constitution and shall give adequate notice to Branch(es).
- 1.3 The representation from each Branch to a National Conference shall be determined on the date of the announcement of National Conference.
- 1.4 The representation from Affiliated Organisations to a National Conference shall be determined on the date of the announcement of National Conference. Any body granted Affiliated Organisation status since the last Conference shall be entitled to two delegates.

## **2 Dates of Notice, Motions, etc. for National Conference**

- 2.1 The date, time and place of each National Conference shall be fixed by National Council, following a recommendation from the National Secretary.
- 2.2 Branches, Constituency Associations, Affiliated Organisations, Members' Associations, National Office Bearers, Members of the National Executive Committee, Elected Members of National Council, SNP Council Groups, and Parliamentarians shall be deemed to be 'notifiable bodies'.
- 2.3 The following items shall be in the Headquarters, addressed to the National Secretary, according to the timetable for Conference issued by the National Secretary to all notifiable bodies —
  - (a) Notices and resolutions being submitted for the Agenda, including nominations for National Office Bearers and Elected Members of National Council, and for the Disciplinary, Appeals, and Standing Orders and Agenda Committees;

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\* Under the Transitional Directions, in these rules "SNP Council Groups" is replaced by "councillors" and "Standing Orders and Agenda Committee" is replaced with "Conferences Committee" from the election of Conferences Committee.

- (b) Notices of amendments;
  - (c) Nominations of their own delegates by Branches, Constituency Associations, SNP Council Groups and Affiliated Organisations.
- 2.4 Such dates, intimated in the timetable for National Conference shall be held to be final and binding on all notifiable bodies.
- 2.5 A preliminary agenda shall be issued to all notifiable bodies at least seven weeks prior to the date of National Conference and a final agenda, with notice of amendments, at least three weeks prior to National Conference.
- 3 Resolutions, Amendments and Nominations by Notifiable Bodies
  - 3.1 Resolutions, amendments and nominations for National Conference may be submitted by Branches, Constituency Associations and Affiliated Organisations. Resolutions and amendments for National Conference may also be submitted by National Office Bearers, Members of the National Executive Committee, Elected Members of National Council, Parliamentarians and SNP Council Groups.
  - 3.2 Resolutions, amendments and nominations to National Conference shall—
    - (a) be written in ink or typewritten; or,
 

in the case of resolutions and amendments, be emailed, providing that the email originates from an address previously notified to Headquarters as belonging to the Secretary or Convener of a notifiable body, and has been copied to the Secretary or Convener if they are not the originator of the email, or providing that the email originates from a Member of the Scottish Parliament, Westminster Parliament, European Parliament, or a member of the National Executive Committee, or Elected Member of National Council, provided it has been copied to whomsoever is seconding the resolution or amendment. Hard copy, bearing appropriate signatures, should be sent to Headquarters as soon as possible thereafter.
    - (b) where appropriate, show clearly the Branch or other body by which they have been made;

- (c) Where appropriate, bear a certification by the Convener and the Secretary that they have been properly passed at a meeting of which proper notice had been given in writing to the members.

Resolutions, amendments and nominations may be faxed prior to the deadline for each, providing that the original is received at Headquarters as soon as possible thereafter.

- 3.3 Amendments to the Constitution or Rules and Standing Orders may be proposed to a National Conference by any body named in 3.1.
- 3.4 Notice of amendment to the Constitution or Rules and Standing Orders shall be subject to the same requirements as set out in 3.2, and the closing date for amendments to the Constitution or Rules and Standing Orders shall be the same date for receipt of ordinary resolutions for National Conference.
- 3.5 Amendments to the Constitution shall not be carried unless supported by at least two-thirds of the votes cast at a National Conference. Amendments to Rules and Standing Orders shall require a simple majority of the votes cast at National Conference.
- 3.6 Proposed amendments to the Constitution or Rules and Standing Orders shall themselves be capable of amendment at National Conference. Amendments to proposed constitutional amendments, or proposed amendments to the Rules and Standing Orders, shall be subject to the same requirements as set out in 3.2, and the closing date for amendments to the such amendments shall be the same date for receipt of ordinary amendments for National Conference.
- 3.7 Standing Orders for National Conference shall define a competent amendment to an amendment to the Constitution or Rules and Standing Orders, and may also provide for an oral amendment to such amendments where such oral amendment does not alter the sense of the amendment to the Constitution or Rules and Standing Orders.
- 3.8 All nominees for National Office, National Committees or for Elected Membership of National Council must signify in writing their willingness to stand for election.

#### 4 Preparation of Agenda etc. for National Conferences

The Standing Orders and Agenda Committee, shall be responsible for the preparation of the Agenda for National Conferences and will for this

purpose operate in accordance with these rules and with the Standing Orders of National Conference.

## 5 Procedure at National Conference

Procedure at National Conference shall be in accordance with the Standing Orders for National Conferences of the Party, a copy of which shall be issued to all delegates attending the Conference. Such Orders shall apply to the whole of the proceedings of the Conference in question and shall be final and binding upon all delegates. Such Orders, once adopted, shall require re-adoption only after amendment by National Conference.

## 6 Voting at National Conference

Each member entitled to vote at National Conference shall be issued by the National Secretary with a credentials card bearing their name and status. No person shall be entitled to more than one deliberative vote on any matter before the Annual National Conference.

## 7 Elections at National Conference

7.1 National Office Bearers (other than the Leader, Depute Leader and Business Convener), eight ordinary members of the National Executive Committee, fifteen Elected Members of National Council, six members of the Standing Orders and Agenda Committee, nine members of the Disciplinary Committee, and seven members of the Appeals Committee, shall be elected annually at National Conference, using Single Transferable Vote. Branch, Constituency Association, Affiliated Organisation delegates and Councillors representing SNP Council Groups must have registered as such to be permitted to vote in these elections.

7.2 Elections will be held in the following order—

- (a) National Office Bearers; then
- (b) Eight ordinary members of the National Executive Committee, fifteen elected members of National Council; then
- (c) Six members of the Standing Orders and Agenda Committee, nine members of the Disciplinary Committee, and seven members of the Appeals Committee.

7.3 No member may be nominated for election to both the Disciplinary Committee and the Appeals Committee.

- 7.4 The announcement of the result of an election for Leader and/or Depute Leader shall be at National Conference, along with the announcement of the results of elections for the other National Office Bearers, unless that election is caused by a vacancy.
- 7.5 Guidelines on Conduct and Procedure for Elections at National Conference will be drawn up annually by the National Executive Committee and distributed to all candidates.

# Standing Orders for National Conference\*

## 1 Quorum

The quorum is as defined under the Constitution. A quorum count may be called for at any time during National Conference. Two minutes warning must be given before a count is taken. After this period the doors to the hall are sealed and no individuals admitted until the quorum count is completed.

## 2 Preparation of Agenda

2.1 Conferences Committee is responsible for the preparation of the Agenda for National Conference and has power—

- (a) to decide whether resolutions, amendments, nominations and other matters pertaining to the Conference are in accordance with the Constitution and Rules and Standing Orders of the Party;
- (b) to revise and amend resolutions and amendments or to incorporate in one resolution a number of similar resolutions from several notifiable bodies, and to rewrite the resolutions received, provided always that the principles underlying the resolution or amendment must not be infringed;
- (c) to categorise all resolutions received under the following headings—
  - (i) put forward unamended,
  - (ii) put forward amended for presentation purposes,
  - (iii) put forward composited,
  - (iv) rejected as existing policy,
  - (v) rejected in favour of other resolutions, and
  - (vi) rejected for other reasons.

This information will be held at Headquarters and supplied to notifiable bodies on request after publication of the final agenda;

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\* Amendments to the existing Standing Orders for National Conference were approved and Standing Orders adopted at Annual Conference 2019.

- (d) to place resolutions and amendments on the agenda; and
- (e) to decide the order of business to be transacted, the placing of items on the agenda, and the approximate time to be allocated to items.

### 3 Undischarged Business

- 3.1 The Convener of the Session should endeavour to leave five minutes free of business prior to conclusion of each Session to allow all motions for which no amendments have been submitted and have not been discussed to be put formally to Conference.
- 3.2 However, business undischarged at the end of a Session may be put to a subsequent Session if time permits for discussion.

### 4 Order of Business

- 4.1 At the beginning of Conference, the motion to approve the report of Conferences Committee must be passed by a simple majority.
- 4.2 The order of any item on the agenda may be altered on a motion from the Chair, or the floor, passed by a simple majority of those voting.
- 4.3 The Convener of the Session is the sole judge of the order in which motions and amendments are put.

### 5 Emergency Business

- 5.1 Business not on the written agenda, other than topical and emergency motions defined in 5.2 and 5.3 below, may be discussed only by consent of a majority of two-thirds of those voting, except as provided for in 5.4 below.
- 5.2 Topical Motions must relate to matters currently topical during Conference, which could not have been foreseen at the time the Agenda was compiled. They must not relate to internal, disciplinary or constitutional matters. Topical motions are debated in the ordinary manner provided for in these Standing Orders.
- 5.3 Emergency Motions must relate to matters currently topical during Conference, which could not have been foreseen at the time the Agenda was compiled. Emergency motions, which are not subject to debate in the normal manner, must be of a non-contentious nature which are likely to achieve overwhelming acceptance by Conference.



- 5.4 Any member wishing to bring before Conference emergency business not on the written agenda must inform the National Secretary before the commencement of the daily meeting of Conferences Committee.

## 6 Convener

- 6.1 The Business Convener of the Party, in person or by delegation to another member of the National Executive Committee, convenes proceedings except as provided for in 6.10 below. The Party Leader retains the right to convene the meeting.
- 6.2 The Convener of the Session is in charge of the proceedings and conducts them in accordance with recognised procedure as amplified by Standing Orders.
- 6.3 All motions, amendments, speeches, points of order and other business is addressed to the Chair.
- 6.4 The decision of the Convener of the Session on procedure, on all points of order and on choice of speaker is final and conclusive, subject only to the challenge of a motion of No Confidence in the Chair as provided for in 6.10 below.
- 6.5 Only one speaker may speak or be on their feet at any one time, save that any member may interrupt a speaker on a point of order. The Convener of the Session rules on who has the floor and the other member must immediately resume their seat.
- 6.6 When the Convener of the Session rises, all members standing must resume their seats and maintain silence until the Convener resumes their seat.
- 6.7 Any member who, after being requested by the Convener of the Session to resume their seat and maintain silence, persistently refuses to do so, will forthwith be named by the Chair and without further discussion will be suspended from that Session and be requested to leave the Conference Chamber for the remainder of that Session. No motion, discussion, point of order, or interruption is permitted until the offending member has left the Conference Chamber.
- 6.8 If the member concerned persists in defying the Chair by refusing to leave the Conference Chamber or by contriving to speak or interrupt proceedings after the procedure in 6.7 has been invoked, they will be automatically suspended from that Session and from attending the rest of that National Conference, the National Executive Committee

and of National Assembly for the next succeeding three calendar months. If they, subsequent to the National Conference at which the incident occurred, submit in writing to the Chair an unqualified apology and a specific assurance that they will in future obey the rulings of the Chair, the National Executive Committee, may, if it thinks fit, raise the suspension.

- 6.9 If any member is suspended from meetings of National Conference, the National Executive Committee or National Assembly more than once during any one year, the National Secretary must, at the next succeeding meeting of the National Executive Committee to that meeting at which the member was last suspended, formally name them for suspension from all meetings of National Conference, the National Executive Committee and National Assembly up to the next following National Conference.
- 6.10 Any member, not being the aggrieved member, may, on the Convener of the Session refusing to alter a ruling, move a motion of No Confidence in the Chair. If this is seconded by another member, other than the aggrieved member, a temporary Convener – the next in order respectively of the Depute Leader, whom failing the National Secretary, whom failing, another available member of the National Executive Committee – must take the Chair and without discussion put the motion to the meeting.
- 6.11 If the motion is supported by a simple majority of those voting, the temporary Convener continues in the Chair for that session. If the motion is not carried, the original Convener of the Session resumes the Chair.
- 6.12 Any member who has moved or seconded a motion of No Confidence in the Chair is not permitted to move or second another such motion during the same session.

## 7 Conduct of Debate

- 7.1 It is expected that members remain in the Conference Chamber throughout a Session. A member requiring to leave must do so between speeches, and with as little disturbance as possible.
- 7.2 The ruling of the Convener of the Session on the competency of any motion or amendment is final.
- 7.3 Each delegate who wishes to speak must complete a card – obtainable from the Stewards – in respect of each item on the Conference Agenda

on which they wish to speak. This should be returned to the Stewards well in advance of the calling of the motion.

- 7.4 Movers of motions (including the direct negative) or Reports are allowed five minutes to speak and other speakers, including movers of amendments, are allowed three minutes. The mover's reply is allowed time as provided for in 7.6 below. Additional time is given at the discretion of the Convener of the Session to movers of major policy resolutions or Reports and movers of amendments thereto.
  - 7.5 It is open to any member to move that a speaker be further heard. The motion, if seconded, is put to the meeting without discussion and is carried if passed by a majority of those voting. When an extension of time is allowed, it must be for not more than three minutes.
  - 7.6 No member is entitled to speak more than once on any one motion unless on a point of order, except that movers of motions and amendments may reply and be allowed two minutes for this, the movers of motions having the opportunity of closing the debate. In replying, members must strictly confine themselves to answering previous speakers and must not introduce new matter.
  - 7.7 Motions or amendments, other than the direct negative, not seconded will not be discussed.
  - 7.8 Points of order must deal with the conduct or procedure of the debate.
  - 7.9 Any mover of a motion or amendment to the Constitution or the Rules and Standing Orders may accept an amendment or amendments to this with the consent of a seconder and with the agreement of the Conference.
  - 7.10 Any mover may withdraw a motion or amendment with the consent of a seconder and with the agreement of the Conference.
- 8 Competent Amendments
- 8.1 Competent amendments and procedural motions are as detailed below.
  - 8.2 Competent amendments to motions other than amendments to the Constitution or Rules are—
    - (a) to amend a motion by substitution, deletion or addition;
    - (b) to move the direct negative; or

- (c) to remit the whole motion back to the proposer of the motion
- 8.3 Competent amendments to amendments to the Constitution or Rules are—
  - (a) to amend a Constitutional Amendment or amendment to the Rules by substitution, deletion or addition; or
  - (b) to move the direct negative
- 8.4 Competent amendments to reports of National Office Bearers and others presented to Conference for approval are—
  - (a) to note the Report;
  - (b) to amend the report by deletion of a part, providing notice of the amendment has been given to the Convener of the Session before the debate on that report has commenced. Such amendments will only be accepted at the discretion of the Convener of the Session; or
  - (c) to move the direct negative.
- 8.5 Procedural motions are—
  - (a) to adjourn the debate;
  - (b) to put the question; or
  - (c) to move "Next Business".
- 8.6 Procedural motions under 8.5 may not be moved or seconded by a delegate who has previously spoken in the debate and must be put to Conference without further discussion, except that under 8.5(b) the Convener of the Session may submit the motion to Conference only if satisfied that due balance has been observed in the debate and must allow the proposer of the original substantive motion to exercise their right of reply (under Standing Order 7.6) on making a claim to do so.
- 8.7 Amendments under 8.2, 8.3, and 8.4, and procedural motions under 8.5(a) and 8.5(b) are carried if passed by a majority of those voting and procedural motions under 8.5(c) are carried by a two-thirds majority.
- 8.8 The Convener of the Session may at their discretion permit a vote without discussion on an oral amendment to any motion, provided that the amendment does not alter the sense of the motion.

## 9 Voting

- 9.1 All members of National Conference specified under the Constitution are entitled to vote on any matter before National Conferences.
- 9.2 All members of National Conference have an equal entitlement to vote, except that the Convener of the Session has a casting vote.
- 9.3 Each member entitled to vote at National Conference is issued with a credential card bearing their name and indicating their status.
- 9.4 The Chief Steward or Depute Chief Steward, appointed by the National Executive Committee, is responsible for the counting of the votes for and against motions and amendments and report to the Convener of the Session, who announces the result to the Conference.
- 9.5 The Convener of the Session may instruct a recount to be taken or, on a motion for a recount being passed, a recount must be taken. On a recount being called the doors to the hall are sealed and no individuals admitted until the recount has been completed.
- 9.6 If no recount be demanded, or when a final count has been taken, the Convener of the Session declares that the motion has or has not been carried, and no further discussions is permitted.
- 9.7 Voting by proxy is not permitted.

## 10 Dissent

It is open to any member to have their dissent recorded from any decision or ruling.

## 11 Suspension of Standing Orders, etc.

- 11.1 Any motion to suspend Standing Orders is carried if seconded and if supported by two-thirds of those voting. A suspension of Standing Orders is for a fixed period of time or for one item of business only.
- 11.2 The Conference has the right, by majority vote, to ask any member to withdraw from the meeting.
- 11.3 When the Convener of the Session formally leaves the Chair, no further business can be discharged during that Session.

# Annual National Conference Election Rules\*

## 1 Scope of Rules

1.1 These rules cover the process for the election at Annual National Conference of the following positions—

- (a) President,
- (b) National Treasurer,
- (c) National Secretary,
- (d) Organisation Convener,
- (e) Local Government Convener,
- (f) Policy Development Convener,
- (g) Member Support Convener,
- (h) Women's Convener,
- (i) Equalities Convener,
- (j) BAME Convener,
- (k) Disabled Members' Convener,
- (l) two ordinary members of the National Executive Committee, who are parliamentarians,
- (m) sixteen regional members of the National Executive Committee,
- (n) ten ordinary members of Conferences Committee,
- (o) sixteen regional representatives of the Policy Development Committee,
- (p) representative on the Policy Development Committee for branches outwith Scotland,
- (q) nine members of the Member Conduct Committee,

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\* The Annual Conference Election Rules were passed by Conferences Committee on 6 November 2020.

- (r) seven members of the Conduct Appeals Committee.

## 2 Expressions of Interest and Nomination

- 2.1 Members wishing to express an interest in standing for a position must advise the National Secretary by the deadline provided on the members' portal.
- 2.2 No member may express their interest for a position on both the Member Conduct Committee and the Conduct Appeals Committee.
- 2.3 A member is nominated —
  - (a) for a National Office Bearer position if they collect 100 signatures from members;
  - (b) for all other positions, if they obtain 20 signatures from eligible members.
- 2.4 For the regional members of the National Executive Committee and the regional representatives on the Policy Development Committee, the eligible members are members resident in the region concerned.
- 2.5 For the representative on the Policy Development Committee for branches outwith Scotland, the eligible members are members resident outwith Scotland.

## 3 Signature Collection

- 3.1 The National Secretary initiates the electronic signature collection process through the members' portal.
- 3.2 The National Secretary may count a signature towards the required number to be made by a member who does not have an email address, or who is unable to access email, if satisfied that the member concerned wishes to nominate a member for a position.
- 3.3 The National Secretary must ensure that the only data retained after the signature collection process is complete is whether the required number of signatures were obtained for the position.
- 3.4 Rulings by the National Secretary on the validity of signatures are final.

## 4 Electronic Ballot Issue

- 4.1 All delegates registered before a cut-off date announced by the National Secretary have a vote in the contests they are eligible to vote for under the constitution.
- 4.2 The National Secretary is responsible for engaging a ballot services company to administer the poll and the count, which will be conducted electronically.
- 4.3 Delegates must vote using the electronic voting system from the opening of conference to the close of poll advised on the agenda.
- 4.4 Conferences committee will ensure that arrangements are in place to assist any delegate unable to complete their ballot electronically.
- 4.5 Delegates who have an email address on the membership system will be issued with an electronic ballot paper. It remains the delegate's responsibility to ensure that their email address on the membership system remains up to date.

## 5 Vote Counting

- 5.1 Votes are counted using the rules contained in Paragraph 47 to 53 of The Scottish Local Government Elections Order 2011, with the following variations—
  - (a) for 'most recent stage' in Paragraph 50(2) and 52(2)(a), substitute 'first or subsequent stage';\*
  - (b) in substitution for the requirement to draw lots under Paragraph 50(3) and 52(3)(b), the PRNG method contained in Paragraphs 41 to 48 of Schedule 1A to the New Zealand Local Electoral Regulations 2001 must be used without the need to allocate pseudo-random numbers to candidates except in the case of an actual tie.<sup>†</sup>
- 5.2 If the ballot services company is unable to count the votes using this method, the elections will be counted using ERS'97.<sup>‡</sup>

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\* This replaces a 'count backwards' rule to break any vote ties with a 'count forwards' rule (also known as the 'ahead at first difference method'), which means that a candidate with the highest number of first preference votes will always be preferred.

<sup>†</sup> This provides a deterministic way of separating candidates who have received exactly the same number of votes at each stage of the counting process.

<sup>‡</sup> "How to conduct an election by the Single Transferrable Vote", Third Edition, June 1997, Electoral Reform Society.



5.3 Any member elected as a National Office Bearer, or as a Member of the National Executive Committee, is excluded from the elections for all subsequent contests.

5.4 The results of the contests will be made known to delegates by the National Secretary as soon as practicable after the end of the counting process. A fuller break-down will be published on the members' portal.

## 6 Campaigning

6.1 No candidate may use their access to official SNP mailing systems to promote their election.

6.2 Candidates may provide a twenty-five word statement in support of their candidature for each position.

6.3 A virtual space for flyers will be available to allow candidates to provide further information to delegates.

6.4 The virtual flyers must be in accordance with guidance issued by Conferences Committee.

6.5 No candidate may—

(a) make or publish any false statement of fact in relation to another candidate's character or conduct;

(b) offer money or any other advantage to any member or organisation as an incentive to support their campaign;

(c) improperly pressurise any delegate in relation to their vote in the elections;

(d) engage in any form of trickery or deception;

(e) otherwise act in a way which impedes the free choice of delegates at the election.

6.6 The general law of election agency (that is, the attribution of the actions of members supporting a candidate, to that of the candidate) applies to these elections as they apply to candidates seeking election to the Scottish Parliament.

## 7 Donations

- 7.1 Candidates must only accept donations from individuals who are current members of the Party.
- 7.2 No candidate may accept a donation of more than £20 from any individual.
- 7.3 'Donations' include any benefit which would be regarded as a donation to a candidate for election to the Scottish Parliament.

## 8 Maximum Permitted Expenditure

- 8.1 The maximum permitted expenditure by a candidate in support of their campaign for election to any office from confirmation of nomination to the close of the poll is £50.
- 8.2 A candidate standing in more than one election must apportion expenditure fairly between each position.

## 9 Spending Rules

- 9.1 The rules which apply to a candidate for election to a constituency in the Scottish Parliament on—
  - (a) property, goods, services, etc. provided free of charge or at a discount;
  - (b) general exclusions to the definition of 'election expenses' (with references to the provision of any facilities provided in pursuance of any right conferred on candidates including any hustings or other facility for campaigning offered to all candidates for the position concerned);

apply in the same way to the elections covered by these rules.

## 10 Statement of Expenditure

- 10.1 Successful candidates must complete a Statement of Expenditure within 28 days of their election and send it the National Secretary. The statement must contain the following details—
  - (a) The name of the candidate and the position the statement relates to;
  - (b) Details of all items of expenditure under the following headings—
    - (i) Website Design & Hosting,

- (ii) Video Production,
- (iii) Copy Writing,
- (iv) Social Media Advertising,
- (v) Printed Materials,
- (vi) Other Advertising,
- (vii) Hustings,
- (viii) Other Expenditure.

(c) Invoices for each item of expenditure over £10.

10.2 The submission of the Statement of Expenditure represents a declaration by the candidate that to the best of their knowledge and belief it is a complete and correct return as required under these rules.

## 11 Organisational Neutrality

11.1 No resources of the Party, other than as provided in these rules, may be used by, or made available to, any candidate seeking election to a position.

11.2 Headquarters staff must not act, or be asked to act, in a way which would call into question their impartiality.

11.3 Parliamentarians and councillors must ensure that neither they nor their staff use parliamentary or council resources for campaigning.

## 12 Breach of Campaign Rules and Relief

12.1 Candidates and others must conduct themselves in a manner which does not infringe these rules, ensures the integrity of the process and allows members to freely express their choices.

12.2 A candidate who has not produced a Statement of Expenditure to the National Secretary on time and in accordance with these rules, or who has exceeded the maximum permitted expenditure, is deemed to be not elected to the position concerned.

12.3 A candidate may be relieved from the consequences of any failure to adhere to these rules on cause shown—

(a) by the National Secretary in relation to a member of Conferences Committee;

(b) in other cases, by Conferences Committee.

12.4 The National Secretary may refer any breach of these rules to the Members Conduct Committee.

# National Assembly Standing Orders

## 1 Function and Powers

1.1 National Assembly shall act as a forum for the debate and development of policy at its formative stage.

1.2 National Assembly shall not have the power to make policy.

## 2 Entitlement to attend

Every member of the party, on production of a valid membership card, shall be entitled to attend National Assembly.

## 3 Meetings of National Assembly

3.1 National Assembly shall meet as of need.

3.2 National Assembly can be called by —

- (a) National Conference
- (b) National Council
- (c) the National Executive Committee
- (d) the Convener of National Assembly

3.3 Branches, Constituency Associations, Affiliated Organisations, Parliamentarians and SNP Council Group Leaders shall be entitled to request the Convener of National Assembly to call a meeting to discuss a particular topic. The Convener shall have the discretion to decide whether or not to do so.

## 4 Notification of meeting

4.1 At least four weeks' notice shall be given of a meeting of National Assembly.

4.2 Notification of the date, time, venue and papers for discussion shall be sent to—

- (a) Secretaries of all Branches and Constituency Associations and Affiliated Organisations
- (b) Members of the National Executive Committee

(c) Elected Members of National Council

(d) SNP parliamentarians

(e) SNP Council Group Leaders

4.3 Details of Meetings shall also be made known to members through the Party's website.

## 5 Convener

5.1 The Convener of National Assembly shall be the Depute Leader, who will chair in person or by depute.

5.2 The Convener shall have the power to—

(a) determine the order of business.

(b) direct the debate in a fair and orderly manner.

(c) make provision for the establishment of workshops, breakout groups etc. to be conducted at National Assembly.

(d) act as the deciding authority on points of order.

(e) determine the resolution on 'Outcome of Business'

# Rules of the Association of Nationalist Councillors

## 1 Composition

The Association of Nationalist Councillors (ANC) shall be composed of members who meet the criteria described in the Constitution.

## 2 Aims

2.1 The aim of the ANC shall be to act as a forum for SNP Councillors to—

- (a) exchange best practice across Council Groups
- (b) put forward a collective view on Council issues to SNP national bodies
- (c) coordinate the work of SNP Councillors in achieving the Party's aims.

## 3 Annual General Meeting

3.1 The ANC Annual General Meeting shall be held in May, with 28 days advance notification given to members, and shall elect from amongst its membership an Executive Committee consisting of—

- (a) Convener
- (b) Secretary
- (c) Treasurer
- (d) A delegate to the Party's National Executive Committee
- (e) Other office bearers and ordinary members of the Executive Committee as may be required.

3.2 The ANC Annual General Meeting shall elect—

- (a) its delegates to the Party's National Council
- (b) delegates to any other bodies as so determined by the Party Constitution.

## 4 Meetings

The ANC shall meet a minimum of twice a year. The ANC Executive Committee shall meet to act on behalf of the Association as and when required.

5 Levy

The Annual General Meeting of the Association, having given due notice, shall have the right to levy all members of the Association. These funds will be used to further the Association's aims. In the event of the dissolution of the ANC, all its funds shall return to the Scottish National Party.



# **Standing Orders of the National Executive Committee\***

## **1 Meetings**

- 1.1 Ordinary meetings of the Committee are held on dates advised at the first meeting of the Committee after Annual National Conference.
- 1.2 A quorum is one third of the members.
- 1.3 The following may attend meetings of the Committee in whole or for specified items—
  - (a) employees and members of the Party invited by the National Secretary;
  - (b) other individuals, who are not members of the Party, but whose presence is agreed in advance by the Committee under any conditions agreed by the Committee;
  - (c) members of the media invited by the National Secretary under conditions agreed in advance by two thirds of the Committee.
- 1.4 The Business Convener decides whether a meeting is to be held in person or virtually.

## **2 Agenda Preparation**

- 2.1 The National Secretary, in consultation with the Business Convener, is responsible for drawing up Agendas for meetings. The Core Agenda is set out in the schedule.
- 2.2 Not less than one week before a meeting, the National Secretary circulates—
  - (a) the Agenda;
  - (b) minutes of the previous meeting, if not previously circulated; and
  - (c) papers relevant to the meeting.
- 2.3 Additional papers may not be distributed to the Committee following issue of the Agenda unless special circumstances apply, and the prior

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\* The Standing Orders of the National Executive Committee were adopted on 19 December 2020.

agreement of the Business Convener and National Secretary is obtained.

- 2.4 Members wishing to submit amendments to any proposal in the papers should do so 48 hours in advance of the meeting to allow for circulation to other members.

### 3 Business of the Meeting

- 3.1 Any member wishing to bring before the meeting emergency business not on the Agenda must inform the National Secretary before the commencement of the meeting.
- 3.2 Business not on the Agenda may be discussed only with the consent of two-thirds of those voting at the meeting.
- 3.3 The order of any item on the Agenda may be altered on a motion from the Convener by a simple majority of those voting or, on a motion from another Committee member, by a two-thirds majority.
- 3.4 The Party Leader or Business Convener may introduce to the Agenda items relating to current political issues which may require the Committee to use its constitutional powers to interpret and oversee policy between meetings of National Conference under the Constitution.

### 4 Papers and Decisions

- 4.1 Minutes and other papers submitted to the Committee must be treated in confidence.
- 4.2 Any complaint that a recipient of Committee papers, or someone present at a meeting of the Committee, has injured the interests of the party, or the reputation of a Member of the Committee, by —
  - (a) sharing the contents of papers,
  - (b) copying papers, or
  - (c) wilfully misrepresenting the discussions of the Committeeto the public, the media or another political party, will be reported by the National Secretary to the Member Conduct Committee if there is a sufficiency of evidence.

### 5 Decisions by Email

- 5.1 The Business Convener or the National Secretary may ask members to vote on an item through email or other electronic means between meetings of the Committee if they consider that the circumstances require a decision before the next scheduled meeting of the Committee.
- 5.2 A motion by email is agreed if one half of the eligible members of the Committee indicate their agreement to the proposed motion to the National Secretary by electronic means.
- 5.3 If four members of the Committee indicate that they wish the item discussed by the full Committee, or if two members wish to propose a particular amendment to the proposed motion, a meeting must be arranged.
- 5.4 All decisions taken by email are recorded in the minutes of the subsequent meeting of the Committee.

## 6 Convener

- 6.1 The Business Convener of the Party, in person or by depute, convenes the Committee. The Party Leader retains a right to convene.
- 6.2 All motions, amendments speeches, points of order, points of information and other business, are addressed to the Convener.
- 6.3 The decision of the Convener on—
  - (a) procedure;
  - (b) the competence of any motion or amendment;
  - (c) the order in which motions and amendments are put;
  - (d) the method and manner of voting;
  - (e) points of order;
  - (f) choice of speaker; and
  - (g) time allocated to each speaker,is final subject to any motion of no confidence in the Convener, as chair of the meeting.

## 7 Conduct of Business

- 7.1 The business of the Committee is normally conducted on the basis of consensus.
- 7.2 Only one speaker may speak at any one time. Any member may interrupt a speaker on a point of order or information with the consent of the speaker.
- 7.3 When the Convener rises, all members must maintain silence until the Convener resumes their seat.
- 7.4 When a motion comes before the Committee, members have the right to question the proposer, but is not permitted to make a lengthy speech unless they are prepared to move an amendment.
- 7.5 A motion may be to—
- (a) submit a resolution to National Conference;
  - (b) approve Rules or Standing Orders of the Party;
  - (c) adopt a policy;
  - (d) note a report;
  - (e) approve recommendations or endorse options in a report;
  - (f) establish a group to make recommendations to the Committee;
  - (g) make a submission to an external organisation;
  - (h) carry out any other function of the Committee; or
  - (i) take no action on a specified issue;
- 7.6 All questions will be taken before amendments are formally proposed and seconded. After amendments have been debated, no further questions on the matter under consideration will be taken.
- 7.7 All members of the Committee have a single vote, except that the Convener has a casting vote.

## 8 Amendments and Procedural Motions

### 8.1 Substantive Amendments are to—

- (a) amend the motion by substitution, deletion or addition,
- (b) move the direct negative,

- (c) move the remit back.

8.2 Procedural Motions are to—

- (a) adjourn the meeting,
- (b) put the question,
- (c) move 'Next Business'.

8.3 Procedural Motions—

- (a) may not be moved or seconded by a member who has previously spoken in the discussion on that item of business; and
- (b) must be put without further discussion, except in the case of a motion to move 'Next Business', where the proposer of the original substantive motion may be permitted to exercise a right of reply.

8.1 Motions or amendments, other than the direct negative, are not discussed unless seconded.

8.2 Any mover of a motion may accept an amendment or amendments to the Agenda, subject to the agreement of the meeting.

8.3 Any mover may withdraw a motion or amendment with the consent of the meeting.

9 Points of Order

9.1 Points of order must deal with the conduct or procedure of the Committee.

9.2 Members making a point of order must prove either that the speaker is—

- (a) travelling outside the scope of the question;
- (b) infringing Standing Orders; or
- (c) acting contrary to the general custom of the Committee.

10 Motions of No Confidence in the Convener

- 10.1 Any member, not being the aggrieved member, may, on the Convener refusing to alter a ruling, move a motion of No Confidence in the Convener, as chair of the meeting.
- 10.2 If this is seconded by another member, other than the aggrieved member, a temporary Convener will take the chair.
- 10.3 The temporary Convener is the next in order respectively of the Leader, the Depute Leader, and the National Secretary.
- 10.4 The Temporary Convener takes the Chair and, without discussion, puts the motion to the meeting. If the motion is supported by a simple majority of those voting, the temporary Convener continues as the Convener for that meeting. If the motion is not carried, the original Convener resumes as Convener.
- 10.5 Any member who has moved or seconded a motion of No Confidence in the Convener is not permitted to move or second another such motion during the same meeting.

## 11 Virtual Meetings

### 11.1 When the Committee meets virtually —

- (a) if the Convener is unable to consistently connect with the meeting for a period of five minutes, then the person who would be the temporary Convener in a motion of no confidence in the Convener takes the chair until the Convener can again connect with the meeting;
- (b) any requirement for a Member to leave the room, is a requirement that they are electronically placed into a 'waiting room' until they are permitted by the Convener to re-enter the meeting; and
- (c) the Convener may allow competent motions and points of order to be made through the 'Chat' function.

## 12 Appointments

### 12.1 At its first meeting after Annual National Conference, the Committee approves the Leader's appointment of the Business Convener and appoints —

- (a) two members of Conferences Committee;

- (b) the Convener of the Member Conduct Committee;
- (c) the Convener of the Conduct Appeals Committee;
- (d) the Clerk to the Conduct Appeals Committee.

12.2 The Committee has power to fill vacancies in any position elected at Annual National Conference.

12.3 If it can do so, the Committee will normally fill vacancies by asking the ballot services company to electronically re-run the internal election at the last Annual National Conference with resigned and ineligible candidates withdrawn.

### 13 General Conduct of Members

13.1 Members of the Committee are required —

- (a) to uphold the Core Principles for Members set out in the Schedule, as further explained in these Standing Orders and in the decisions and practices of the Committee;
- (b) attend induction and other training as arranged by the National Secretary; and
- (c) treat members of staff and others involved in the work of the Committee with dignity and respect.

13.2 If concerns are expressed about the conduct of a Member of the Committee, the National Secretary and the Business Convener will attempt to resolve the issue in a collegiate manner.

### 14 Declaration of Interests

14.1 Members of the Committee have a declarable financial interest if the interest of—

- (a) the Member;
- (b) a co-habitee or close relative of the Member;
- (c) an employer of the Member;
- (d) a business or body of which the Member is a partner, director, other office-holder, or a shareholder;

in the matter being discussed meets the ‘objective test’.

14.2 Financial interests which are declarable must be declared at the start of the meeting or, if not apparent from the circulated Agenda, when the interest becomes apparent.

14.3 Members of the Committee may voluntarily declare any other financial or non-financial interest of the Member or other persons, businesses or organisations associated with the Member.

## 15 Definitions and Guidance on Interests

15.1 The 'objective test' is whether a fair-minded member of the Party, not being a member who was either unduly sensitive or suspicious, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the decision making of the Member of the Committee.

15.2 The 'objective test' is not met when the interest can fairly be regarded as a remote interest, or one which is unlikely to materialise.

15.3 A 'close relative' means the spouse, civil partner, parent, grandparent, sibling, child or grandchild of the Member.

15.4 A Member is a 'shareholder' if they hold more than a 1% share.

15.5 The National Secretary may give general guidance to Members and exempt any particular class of interest. Members are encouraged to discuss any potential future interest in an Agenda item with the National Secretary in advance of a meeting.

## 16 Consequences of Having an Interest

16.1 The National Secretary determines whether a Member of the Committee with a declarable financial interest—

- (a) is allowed to remain present during the debate;
- (b) can participate in any debate;
- (c) may vote on any issue.

16.2 Exceptionally, the National Secretary may make a similar determination in relation to the interest of a Member which is not a declarable financial interest, but is of such a nature that participating in the item would unambiguously amount to a breach by the Member of the Core Principles for Members.



16.3 The Business Convener makes these determinations in relation to any interest of the National Secretary.

## SCHEDULE

### Core Agenda for Meetings

1. Apologies
2. Declarations of Interest
3. Current Political Business
  - Report from the Party Leader
  - Report from Parliamentary Groups
  - Report from Local Government Convener
  - Report from the Chief Executive
4. Minutes of the Last Meeting
5. Business Arising
6. National Secretary's Business
7. National Treasurer's Business
8. Reports of National Office Bearers, ANC and Affiliates
9. Any Other Notified Business
10. Date, time and place of next meeting

## Core Principles for NEC Members

### **Selflessness**

You should act solely in terms of the interests of the SNP and the residents of Scotland.

### **Integrity**

You must avoid placing yourself under any obligation to people or organisations that might try to inappropriately influence you in your work. You should not act or take decisions in order to gain financial or other material advantage for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

### **Objectivity**

You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

You are accountable to the members of the SNP for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.

### **Openness**

You should act and take decisions in an open and transparent manner. Information should not be withheld from the members of the SNP unless there are clear and lawful reasons for doing so.

### **Honesty**

You should be truthful.

### **Leadership**

You should exhibit these principles in your own behaviour. You should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

# Leadership Election Rules

## 1 Nomination

- 1.1 Nominations for the positions of Leader and Depute Leader will open annually on a date that shall be concurrent with the opening of nominations for other National Office Bearer positions. Nomination forms will be available from that date.
- 1.2 A candidate for Leader or Depute Leader must have the nominations of at least a hundred members, who must be drawn from at least twenty Branches.
- 1.3 Close of nomination will be 1600hrs on the date that is 77 days following the opening of nominations. The exact date will be notified to all Party organisations at the same time as notification of delegate entitlement.
- 1.4 Subject to their agreement, the incumbent Leader and Depute Leader shall automatically be deemed nominated for re-election. The National Secretary, will ask for written confirmation of this from both the Leader and Depute Leader before the date of close of nominations for National Office Bearers
- 1.5 Where only one candidate is nominated for Leader or Depute Leader, that candidate shall be declared elected.

## 2 Procedure for Voting

- 2.1 All Members who have paid the appropriate subscription, or have a Direct Debit put in place, on or before the opening of nominations, will be eligible to vote in an election for Leader or Depute Leader.
- 2.2 Should an election for Leader or Depute Leader be necessary, then thirty-five days after the closing date for nominations, all Members who are eligible to vote, will be sent, by post, a Ballot Paper for the position of Leader and/or Depute Leader.
- 2.3 Enclosed in the mailing will be an Election Address from each candidate for each office. The maximum size for this address will be one A4 sheet, double-sided if desired, maximum 160gsm. This should be supplied to Headquarters by all candidates, not later than twenty-eight days after the close of nominations.

- 2.4 Ballot Papers must be completed by the Member and received by Headquarters no later than twenty-one days after the issuing of ballot papers. This date will be specified by the National Secretary.

### 3 Leader/Depute Leader Vacancy

- 3.1 Should a vacancy arise for Leader or Depute Leader, then that vacancy will be filled by election in a vote of all members of the Party. The procedures laid out in 1.1 – 1.3 above will apply, with the following amendments:

- (a) Nomination forms will be available from Headquarters from the date of the announcement of the election by the National Secretary.
- (b) The announcement of the election will specify the closing date for nominations, the date of announcement of the result, and the closing date for the return of ballot papers.

- 3.2 The procedure for voting will be as outlined in Clause 2 above, except for the following amendments;

- (a) Ballot papers will be sent to Members, who had paid their subscription, or have a Direct Debit in place, on or before the opening of nominations, twenty-one days prior to the announcement of the election result.
- (b) Ballot Papers must be completed by the Member and received by Headquarters no later than eighteen days after their issue. This date will be specified by the National Secretary.

### 4 Lobbying local organisations

- 4.1 Candidates will be provided with contact details of secretaries of organisations to facilitate hustings events, etc. Candidates must not send material to local organisations over and above what has been distributed by Headquarters.

- 4.2 To comply with the relevant Data Protection legislation, candidates will not be provided with direct contact details for individual members. No ordinary members of the Party should be contacted directly by candidates with election materials, or be lobbied by a candidate, or their supporters, unless at SNP events.

### 5 Support for candidates

- 5.1 Excepting the normal expenses paid to a visiting speaker, no local organisation (e.g. local Branch, Constituency Association or Affiliated Organisation) resources, funds or materials shall be made available to any candidate.
  - 5.2 No restrictions should be placed on the number of candidates for any single position who are invited to address a hustings or meeting organised by a local organisation (e.g. Branch, Constituency organisation or Affiliated Organisation).
- 6 SNP headquarters
- 6.1 Headquarters staff are employed to ensure that the elections for Leader and Depute Leader are conducted in a fair and democratic fashion, and have a duty to carry out this function impartially.
  - 6.2 Those standing for Leader or Depute Leader should therefore not ask Headquarters staff at any time to act in any way which would conflict or call into question their impartiality, or which would give rise to such criticisms.
  - 6.3 The SNP is committed to the objectives of Data Protection legislation. All personal information held by Headquarters will be treated in confidence and held and used only in accordance with the terms of the relevant Data Protection legislation and other applicable legislation.
  - 6.4 The SNP requires all of its employees to comply fully with this policy and the principles of Data Protection legislation. Deliberate breaches of this policy will be considered as misconduct and will render the employee liable to disciplinary action up to and including dismissal. Individuals, as well as the SNP, can be prosecuted for breaches of Data Protection legislation.
  - 6.5 Aside from support detailed above, no resources, funds or materials shall be made available from Headquarters for any individual candidate.
- 7 Parliamentarians and parliamentary staff
- 7.1 Staff employed by SNP parliamentary groups or individual parliamentarians may only participate in the election campaign outwith contracted hours or provided they take unpaid leave (or paid accrued annual leave) to do so. In this instance, the employer must be able to demonstrate that the employee is on leave and they must

ensure that parliamentary monies are not used for the purposes of internal political campaigning.

- 7.2 Parliamentarians should ensure that they and their own staff do not use parliamentary facilities for campaigning and do not use their positions within the Parliament to attack other candidates or prospective candidates. If acting in support of any candidate, employees should keep in mind their position within the Parliament and the perception of that position within the Party.
- 7.3 Parliamentarians should ensure that they and their own staff do not transfer data on individual members of the SNP, unless they have permission to do so from the individuals concerned. Adherence to the relevant Data Protection legislation should be observed in regard to any data transfers.

## **Candidate Assessment Rules\***

### **1 Register of Approved Potential Candidates**

- 1.1 The Register of Approved Potential Candidates (“the Register”) contains the members of the Party assessed as suitable to stand as candidates for the Party at elections for membership of—
  - (a) local authorities;
  - (b) the Scottish Parliament; and
  - (c) the United Kingdom Parliament.
- 1.2 A member may be assessed as suitable for any combination of these elections or for specific elections, including by-elections.
- 1.3 The National Executive Committee determines the criteria for candidates to be included on the register.
- 1.4 The Register is maintained in accordance with directions issued by the National Executive Committee.

### **2 Candidate Assessment Committee and Interviewers**

- 2.1 The Candidate Assessment Committee decides which members are included on the register.
- 2.2 The National Executive Committee appoints the Convener, the Depute Convener and the members of the Candidate Assessment Committee.
- 2.3 The Candidate Assessment Committee must contain a broad geographic mix of members and must include members from under-represented groups and persons with expertise in fair recruitment practices, including the elimination of unconscious bias and disability awareness.

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\* The Candidate Assessment Rules were passed by the National Executive Committee on 18 June 2020.



- 2.4 The Candidates Assessment Committee appoints experienced members of the Party to assist it in interviewing and assessing potential candidates.\*
- 2.5 All members involved in the candidate assessment process must act in accordance with the Party's Data Protection Policy in relation to Candidate Assessment and, if necessary, seek advice from and be directed by the Party's Data Protection Officer.

### 3 Candidate Assessment Committee decisions

- 3.1 In assessing a candidate's suitability against the criteria for candidates to be included on the register, the Candidate Assessment Committee may take into account:
  - (a) information provided by the applicant in their application form and at interview;
  - (b) performance in any task given to the candidate;
  - (c) any social media postings by the applicant;
  - (d) confidential references provided by other party members including, where appropriate, party whips;
  - (e) the results of any inquiries made in relation to the applicant;
  - (f) their own knowledge of the applicant; and
  - (g) any other information relevant to the suitability of the candidate to stand for public office as a representative of the Party.
- 3.2 The Candidate Assessment Committee determines in each case what information is required before it is able to make a decision.
- 3.3 The Candidate Assessment Committee may not refuse an application substantially on the basis of factors or information not put directly to the applicant for comment.
- 3.4 Where an application has been refused in whole or in part, the Candidate Assessment Committee must provide reasons for its decision, dealing with the substantial issues raised by the application in an intelligible way and which should leave the informed reader of

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\* The National Executive Committee on 18 June 2020 approved in principle collecting and making available diversity data in relation to the Candidate Assessment Committee and those members involved in interviewing and assessing candidates.

the decision in no substantial doubt as to what the reasons for it were and what were the material considerations which were taken into account in refusing the application.

- 3.5 The Candidate Assessment Committee should provide all applicants, when appropriate, with advice on areas for improvement.

#### 4 Candidate Appeals Panel

- 4.1 A member may appeal to the Candidate Appeals Panel against a decision—

- (a) not to approve the member as a potential candidate; or
- (b) to approve the member as a potential local government candidate, but not as a parliamentary candidate.

- 4.2 A member may not appeal to the Candidate Appeals Panel where the decision is—

- (a) not to approve the member as a potential candidate for a by-election; or
- (b) not to progress an application to interview.

- 4.3 The Candidate Appeals Panel may—

- (a) allow the appeal and substitute its own decision;
- (b) refuse the appeal; or
- (c) ask the Candidate Assessment Committee to review its decision.

- 4.4 The Candidate Appeals Panel operates under procedures approved by the National Executive Committee.

- 4.5 The decision of the Candidate Appeals Panel on any application is final.

#### 5 Removal from the Register of Approved Potential Candidates

- 5.1 The Candidate Assessment Committee may remove a candidate from the register.

- 5.2 A candidate cannot be removed from the register unless they are given an opportunity to be heard on the basis for removing them.

- 5.3 The Candidate Appeals Panel decides if it will hear an appeal from a decision to remove a candidate from the register.
- 5.4 If a candidate removed from the register has been selected as a candidate at a parliamentary or local government election, the National Secretary determines the process for selecting a replacement candidate.

## **Selection Rules – Scottish Parliament Election 2021\***

### **1 Scope, Existing Rules and Definition**

- 1.1 These rules apply to the next general election to the Scottish Parliament and replace rules 1, 2 and 10-14 of the Rules on Vetting and Selection of Potential Parliamentary and Local Government Candidates for that purpose.
- 1.2 In these rules, the “Constituency Organisation” means the Constituency Association or Constituency Branch covering a Scottish Parliament constituency area.

### **2 Selection Timetable**

- 2.1 The appendix to these rules contains timetables for the selection of candidates.
- 2.2 The National Secretary may vary the timetables, either generally or for a particular constituency or region.
- 2.3 The National Secretary may only exercise this power when necessary for the interests of the Party generally, or for exceptional circumstances involving individual candidates seeking selection.

### **3 Constituency Selections**

- 3.1 The National Executive Committee decides which constituencies must select a woman as the candidate. These will be constituencies where an incumbent SNP Member of the Scottish Parliament is not seeking re-election. The National Executive Committee will apply a presumption that the mechanism should be used in these constituencies.
- 3.2 A member on the list of approved candidates may express an interest in being selected for not more than two constituencies by the deadline in the timetable.
- 3.3 Where only one member has expressed an interest, a confirmation ballot must be held in accordance with rule 5.

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\* The Selection Rules for the Scottish Parliament Elections 2021 were passed by the National Executive Committee on 30 July 2020. The Timetable for Regional Lists was agreed on 19 December 2020.

- 3.4 Where two or more indications of interest have been received for a constituency, a sub-committee of the National Executive Committee must add an additional candidates who is BAME, an additional candidate who is a women and an additional candidate who is disabled to the selection contest, unless the members who have expressed an interest by the deadline already provide sufficient diversity, or no approved candidate with these characteristics is available who wishes to enter the selection process for that constituency.
- 3.5 No candidate may be entered into the selection process for more than three constituencies.
- 3.6 A sub-committee of the National Executive Committee will determine whether there should be a shortlisting ballot under rule 6 or if the constituency should proceed straight to a selection ballot under Rule 10.

#### 4 Regional Selections

- 4.1 A candidate selected for a constituency is deemed to be nominated for the region within which the constituency lies, unless the candidate advises the National Secretary that they do not wish their name to be included on the Party's list for the region.
- 4.2 An approved candidate who has not been selected for a constituency may be nominated for inclusion on a regional list by 150 members, using the Signature Collection process in rule 7.
- 4.3 Candidates seeking inclusion on a regional list must advise the National Secretary before the deadline in the timetable.
- 4.4 The National Executive Committee will consider whether and how to apply any equalities mechanisms to regional lists after the closing of the ballots for the constituency candidates.

#### 5 Confirmation Ballot

- 5.1 A confirmation ballot is held using the signature collection process under rule 7.
- 5.2 The members eligible to take part in a confirmation process are those members resident within the constituency.

- 5.3 A candidate is confirmed as the candidate for a constituency if more than 50 signatures, or 15% of the eligible members, whichever is the lesser, are collected.

## 6 Shortlisting Ballot

- 6.1 The members eligible to take part in a shortlisting ballot are those members who reside in the constituency and were members of the Party at least three months before the deadline for candidates to express an interest in the constituency.
- 6.2 Eligible members with email addresses will be asked to identify four candidates who they wish to take part in the selection contest.
- 6.3 A sub-committee of the National Executive Committee may substitute the number four for another number for any constituency contest.
- 6.4 After the end of the shortlisting ballot, a sub-committee of the National Executive Committee determines the candidates who go forward to the selection ballot after considering the result of the shortlisting ballot.
- 6.5 The sub-committee must ensure that no candidate in contention for selection is excluded from the selection ballot and that the candidates are drawn from diverse backgrounds.

## 7 Signature Collection

- 7.1 The National Secretary initiates the electronic signature collection process through the membership portal.
- 7.2 The National Secretary may count a signature towards the required number to be made by a member who does not have an email address, or who is unable to access email, if satisfied that the member concerned wishes to nominate a candidate to participate in the selection process.
- 7.3 The National Secretary must ensure that the only data retained after the signature collection process is complete is whether the member obtained, or did not obtain, the required number of signatures.
- 7.4 A member may only provide a valid signature as part of the collection process if the member resides within the constituency or region and was a member of the Party at least three months before the opening of the process.

7.5 Rulings by the National Secretary on the validity of signatures are final.

## 8 Online Hustings and Campaigning by Candidates

8.1 The only permitted means of campaigning are—

- (a) participation in online hustings;
- (b) contact with members through the authorised email system;
- (c) the use of a website, a personal Facebook page or a personal Twitter account; and
- (d) communication through a candidate's own personal contacts.

8.2 Constituency organisations must ensure that at least one online hustings takes place before ballot papers are issued to members and that all candidates and members are advised of the arrangements for the hustings.

8.3 All candidates seeking selection will be provided with limited email facilities to allow contact with members resident in the constituency or region.

8.4 Discounting attendances at hustings and other organised Party events, candidates must not contact members to seek their support more than twice before and during the balloting process.

8.5 No candidate, or other person supporting a candidate, may make use of membership data other than as provided for in these rules to advance a candidacy or share membership data provided with others in any way not authorised by the Party's Data Protection Officer.

8.6 Candidates may provide a statement in support of their nomination or candidacy which must be sent by methods designated by the National Secretary and according to the timetable. The content of the statement must comply with any requirements set out by the National Secretary.

## 9 Organisational Neutrality

9.1 No resources of the Party, other than as provided in these rules, may be used by, or made available to, any candidate seeking selection.

- 9.2 No Party meeting may take a vote preferring any candidate in a selection contest.
- 9.3 National and local Party office bearers, acting in their official capacity, must not seek to influence the votes of members by recommending a vote for a particular candidate, or stating that their organisation is supporting a particular candidate.
- 9.4 Headquarters staff must not act, or be asked to act, in a way which would call into question their impartiality.
- 9.5 Parliamentarians and councillors must ensure that neither they nor their staff use parliamentary or council resources for campaigning.
- 9.6 This rule does not apply to any member acting in accordance with positive actions approved by the National Executive Committee.

## 10 Selection Ballot

- 10.1 The members eligible to vote for the selection of candidates are those members who reside in the constituency or region concerned and were members of the Party at least three months—
  - (a) in constituency selections, before the deadline for indicating interest for a constituency; and
  - (b) in regional selections, the opening of regional nominations.
- 10.2 The National Secretary is responsible for engaging a ballot services company to administer the poll, including the issuing and receipt of postal ballot papers, entering data in relation to postal ballot papers, and the electronic count. The ballot services company must adjudicate doubtful ballot papers using the guidance issued by the Electoral Commission for Scottish Local Government elections.
- 10.3 Members who have an email address on the membership system will be issued with an electronic ballot paper. Members who do not have an email address on the system, or whose email is detected as invalid by the ballot services company, will be issued with a paper ballot paper. It remains the member's responsibility to ensure that their email address on the membership system remains up to date.
- 10.4 The electronic votes and the postal ballots will be counted using an STV counting method approved by the National Secretary.



10.5 The results of the selection contests will be made public by the National Secretary after candidates have been advised.

## 11 Formal Selection of Candidates

11.1 The National Executive Committee delegates to the National Secretary the power to select constituency candidates—

- (a) when only one candidate has been validly nominated; and
- (b) following a ballot of members which the National Secretary considers to have been conducted in a way which is beyond reasonable challenge.

11.2 The National Secretary may refer any other question concerning any selection process to the National Executive Committee for investigation, discussion and decision.

## 12 Infringement of Rules by Candidates and Others

12.1 Candidates and others must conduct themselves in a manner which does not infringe these rules, ensures the integrity of the process and allows members to freely express their choices.

12.2 The National Secretary will not entertain frivolous complaints about candidates or the process.

12.3 Where the National Secretary has reasonable cause to believe that a candidate, or another member, has breached these rules, the National Secretary may take all appropriate measures to attempt to reverse the effect of the breach. This includes contacting all members in the constituency or region concerned to inform them of the concerns of the National Secretary.

12.4 The National Secretary, in appropriate cases, may refer the candidate or other member to the Members' Conduct Committee.

## Appendix – Selection Timetables

### All Constituency Seats

Deadline for Approved Candidates to Advise National Secretary of their interest in any Constituency and supply a Candidate Statement and Photograph	Monday 14 September @ 16:00
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### Single Person expressing interest

Start of Confirmation Ballot	Wednesday 16 September @ 12:00
End of Confirmation Ballot	Wednesday 23 September @ 12:00
Confirmation	Immediately after end of confirmation ballot

### More than one person expressing interest

Latest time for NEC Sub-Committee to determine which candidates should be added to which contests	Friday 18 September @ 23:59
Latest time for NEC Sub-Committee to determine whether there should be a shortlisting ballot in each seat	Monday 21 September @ 12:00

### More than one person expressing interest (No shortlisting ballot)

Earliest time for starting Online Hustings	Thursday 24 September @ 18:00
Latest time for starting Online Hustings	Wednesday 30 September @ 18:00
Electronic Ballots Open (Note – Postal votes will be dispatched as close to this time as possible)	Friday 2 October @ 12:00
Close of Poll for those voting electronically	Friday 16 October @ 12:00
Close of Poll for those voting by post	Receipt of postal deliveries by the ballot services provider on 16 October
Announcement of Results	As soon as possible after votes have been verified and counted by the ballot services provider

**More than one person expressing interest (Shortlisting ballot)**

Start of shortlisting ballot	Wednesday 23 September @ 12:00
End of shortlisting ballot	Wednesday 30 September @ 12:00
Latest time for NEC Sub-committee to shortlist candidates	Saturday 3 October @ 23:59
Earliest time for holding Online Hustings	Tuesday 6 October @ 18:00
Latest time for holding Online Hustings	Monday 12 October @ 18:00
Electronic Ballots Open (Note – Postal votes will be dispatched as close to this time as possible)	Wednesday 14 October @ 12:00
Close of Poll for those voting electronically	Wednesday 28 October @ 12:00
Close of Poll for those voting by post	Receipt of postal deliveries by the ballot services provider on 28 October
Announcement of Results	As soon as possible after votes have been verified and counted by the ballot services provider

## Regional Lists

Deadline for Approved Candidates to advise National Secretary of any Region they wish to be nominated for	14 January 2021 @ 12:00
Latest time for Delivery of Candidate Statements for Nomination	14 January 2021 @ 16:00
Start of period for Nomination by Members	18 January 2021 @ 12:00
End of period for Nominations by Members	1 February 2021 @ 12:00
Latest time for Delivery of Candidate Statements for Election	8 February 2021 @ 16:00
Electronic Ballots Open (Note – Postal votes will be dispatched as close to this time as possible)	15 February 2021 @ 12:00
Close of Poll for those voting electronically	1 March 2021 @ 12:00
Close of Poll for those voting by post	Receipt of postal deliveries by the ballot services provider on 1 March 2021.
Announcement of Results	As soon as possible after votes have been verified and counted by the ballot services provider

# **Rules on Vetting and Selection of Potential Parliamentary and Local Government Candidates\***

## **1 Introduction**

The Scottish National Party will encourage a diverse range of members, with a broad mix of skills, understanding and experience, to apply for consideration as potential parliamentary and local government candidates. The vetting or assessment of members for consideration as potential parliamentary and local government candidates will be carried out by the Candidate Assessment Panel appointed by the National Executive Committee (hereafter referred to as “the Panel”). A national register of approved potential parliamentary and local government candidates will be created and maintained by the National Executive Committee, from which branches will be able to nominate and members select their parliamentary and local government candidates. At all times through this process, the principles and practice of ensuring equality of opportunity for all will be promoted.

## **2 Mainstreaming Equality of Opportunity**

- 2.1 The National Executive Committee shall establish and maintain a strategy to deliver equality of opportunity throughout the party, including in the selection of candidates for local government and parliamentary elections. The equality strategy will focus primarily on increasing the representation of women, ethnic minority and disabled members throughout the party, and will aim to ensure the SNP fields a more balanced list of candidates in future.
- 2.2 Support will be offered to branches and other local organisations to ensure equality of opportunity at grassroots level.
- 2.3 The equality strategy will aim to recruit and retain more members from under-represented groups; to encourage active participation by these members at all levels in the party; to increase the number of candidates drawn from under-represented groups; and to monitor progress on achieving these aims.
- 2.4 As part of the equality strategy, the National Executive Committee shall agree a plan for each election, which may include the use of

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\* Parts of these rules have been superseded by constitutional provisions and the Candidate Assessment Rules. The selection aspects of these rules do not apply to the Scottish Parliament elections in 2021. The rules will be revoked when the National Executive Committee agrees rules for Parliamentary and Local Government by-elections.

specific mechanisms, such as hard targets or other measures to deliver a balanced list of candidates. Any specific mechanism will require the approval of National Council before being introduced.

### Vetting of Potential Candidates

#### 3 Candidate Assessment Panel

- 3.1 The remit, conduct and procedures of the Candidate Assessment Panel will be established and amended from time to time by the National Executive Committee.
- 3.2 The Panel will be responsible for organising Assessment Centres for vetting of potential candidates.

#### 4 Assessment Criteria

- 4.1 The National Executive Committee will set down the assessment criteria for potential parliamentary and local government candidates. The Panel will undertake assessment of potential parliamentary and local government candidates in accordance with the National Executive Committee's guidance. The Panel will make recommendations to the National Executive. The recommendation can only be to approve or not to approve a member as a potential parliamentary or local government candidate.
- 4.2 The National Executive Committee's assessment criteria shall, on the advice of the Panel, ensure that there is no discrimination on the grounds of age, gender, sexual orientation, ethnicity, race, disability and/or religious belief.
- 4.3 The Panel, following a decision to approve or not approve a member as a potential parliamentary or local government candidate, will produce a feedback report summarising individual performance, including justification for the decision and proposals for personal development, if required.

#### 5 Code of Conduct

- 5.1 Each member who applies to be considered as a potential parliamentary or local government candidate is required to sign a code of conduct, which will govern their behaviour as an approved potential local government candidate.

5.2 Each member who applies to be considered as a potential parliamentary or local government candidate is required to sign the relevant SNP Group Standing Orders.

6 Approval of potential candidates

6.1 The National Executive Committee will accept the recommendations of the Panel unless two-thirds of all possible members of the National Executive Committee decide otherwise. The National Executive Committee can only approve or not approve the recommendation of the Panel.

6.2 Any member who has been approved by the National Executive Committee as a potential parliamentary candidate will automatically be considered as an approved potential local government candidate. The member is required to satisfy the Local Government Liaison Committee (or body with responsibility for council elections) that they are eligible for nomination as a council candidate in that local government area as the law currently stands.

7 Appeal

A member who has not been approved as a potential parliamentary or local government candidate may appeal to the National Executive Committee's Election Appeals Committee in accordance with procedures approved by the National Executive Committee. The decision of the Election Appeals Committee is final.

8 Register of Approved Potential Candidates

8.1 The National Executive Committee shall establish and maintain a single Register of Approved Potential Parliamentary and Local Government Candidates, listing in said register whether members have been approved as potential candidates for local government, parliament or both. This register will be made available on the members section of the SNP website.

8.2 The Panel will review the register on an annual basis in accordance with procedures and guidance approved by the National Executive Committee.

9 Removal from the Register of Approved Potential Candidates

9.1 The National Executive Committee may remove a member approved as a potential parliamentary candidate from the Register of Approved

Potential Parliamentary and Local Government Candidates on the recommendation of the Panel, on the grounds that the member has either—

- (a) breached the Code of Conduct of an Approved Potential Parliamentary or Local Government Candidate, and/or
- (b) breached the Disciplinary Rules of the Party.

and their removal is the recommendation of either—

- (a) a Liaison Committee, with responsibility for a parliamentary election, resolution passed at a duly constituted Special meeting, or
- (b) a Constituency Association (or Constituency Branch) resolution passed at a duly constituted Special meeting, and/or
- (c) in the case of 9.1 (a), the National Secretary, following a report of the Disciplinary Committee.

9.2 The National Executive Committee may remove a member approved as a potential local government candidate from the Register of Approved Parliamentary and Local Government Candidates on the grounds on the recommendation of the Panel, on the grounds that the member has either—

- (a) breached the code of conduct of an approved potential local government candidate, and/or
- (b) breached the disciplinary rules of the Party.

and their removal is the recommendation of either—

- (a) a branch resolution passed at a duly constituted Special meeting, or
- (b) a Local Government Liaison Committee (or body with responsibility for council elections) resolution passed at a duly constituted Special meeting, and/or
- (c) in the case of 9.3 (b), the National Secretary, following a report of the Disciplinary Committee.

9.3 There is no appeal against the decision of the National Executive Committee on removal of a member from the Register of Approved



Potential Parliamentary or Local Government Candidates. A member may be eligible to re-apply for consideration as a potential parliamentary or local government candidate on the guidance of the Panel.

### Selection of Parliamentary Candidates

#### 10 Number of Candidates per Constituency

The Organisation Convener will make a recommendation to the National Executive Committee on the number of parliamentary candidates that will be nominated by the Party in each constituency at a parliamentary election.

#### 11 Responsibility for Selection of Parliamentary Candidates

11.1 Constituency Associations (or a Constituency Branch) will have responsibility for overseeing the selection of Scottish Parliamentary candidates subject to National Executive Committee approval of the selection and subject also to the role of Party Headquarters in overseeing postal ballots and related matters, and to the provision which the constitution makes for the National Secretary and Business Convener to select candidates in specified circumstances.

11.2 Liaison Committees for elections to the United Kingdom Parliament (or Constituency Associations which have been given responsibility for Westminster elections by the National Executive Committee) will have responsibility for overseeing the selection of United Kingdom Parliamentary candidates subject to National Executive Committee approval of the selection.

11.3 The National Executive Committee will have responsibility for the selection procedures for the European Parliamentary elections.

#### 12 Timetable for Selection of Parliamentary Candidates

Each Constituency Association or Liaison Committee with responsibility for parliamentary elections will agree a timetable for the nomination of parliamentary candidate(s) for the constituency which they are responsible for, in accordance with any procedures approved by the National Executive Committee.

#### 13 Nomination of Parliamentary Candidates

The procedure for nominations shall be as determined by the National Executive Committee.

## 14 Selection of Parliamentary Candidates

- 14.1 Only members who reside and are on the Electoral Register in the electoral constituency can vote in the selection of a parliamentary candidate(s) in accordance with the procedures approved by the National Executive Committee.
- 14.2 Only members who have maintained their membership prior to a cut-off date agreed by the National Executive Committee are entitled to vote in the selection for a parliamentary candidate.
- 14.3 All selections of parliamentary candidates will be carried out on the basis of one-member-one-vote using the principles of single transferable voting. Members will be made aware of the Scottish National Party's commitment to equality of opportunity and the need to ensure a broad mix of parliamentarians are elected to represent the diverse communities of Scotland.
- 14.4 The National Secretary and Business Convener, in using their powers to select a parliamentary candidate in the circumstances specified in the Constitution, shall do so after consultation with the Constituency Association, Constituency Branch or Liaison Committee concerned or, in the case of selections of European Parliamentary candidates, with members of the National Executive Committee.
- 14.5 A ballot of all members in a constituency will not be required in the event that a candidate is unopposed for selection in a constituency. The National Executive Committee will make rules to cover selection procedure in these instances.
- 14.6 The National Executive Committee will have responsibility for the selection and ranking procedures for parliamentary regional lists.
- 14.7 The National Executive Committee shall bring forward additions and/or amendment(s) to these Rules in order to specify processes for ensuring a balanced list of candidates, particularly in regard to gender, for each parliamentary election.

## 15 Deselection of Parliamentary Candidates

- 15.1 A candidate for the Scottish or United Kingdom Parliament, whether in a constituency or on a party list, may be deselected by the National Executive Committee on a vote of two thirds of those present, if acting on the request of the Constituency Association or Liaison Committee concerned. The National Secretary may delegate the function of

assessing such a request to a panel of National Executive Committee members, who will then report their findings to the National Executive Committee for decision.

15.2 A candidate for the European Parliament may be deselected by the National Executive Committee, by a two-thirds majority of those voting, if acting on the request of the National Secretary and Business Convener.

15.3 If a parliamentary candidate on a party list dies, resigns or is deselected as a list candidate, or becomes ineligible to be an SNP candidate, then any other candidates below him or her on the list each move up one place in the rankings.

## 16 Parliamentary By-elections

The National Executive Committee will establish rules and procedures for the vetting and selection of parliamentary by-election candidates.

### Selection of Local Government Candidates

## 17 Number of Candidates per Electoral Ward

Each Local Government Liaison Committee (or body with responsibility for council elections) will be responsible for proposing to the Organisation Convener, a campaign plan which states the number of candidates it recommends should be nominated by the Party in each electoral ward and the campaign strategy which explains their rationale. The Organisation Convener will review this plan and make a recommendation to the National Executive Committee to approve, amend or not approve the campaign plan. In the event that a Local Government Liaison Committee (or body with responsibility for council elections) does not propose or have approved a campaign plan by the National Executive Committee, the National Executive Committee may instruct the Organisation Convener to put in place a campaign plan which states the number of candidates that may be selected for each electoral ward.

## 18 Responsibility for Selection of Local Government Candidates

The National Executive Committee will make rules supplementing these rules to specify detailed procedures for the vetting and selection of Local Government candidates, including, among other matters, the roles to be played, where applicable, by Branches, ward selection committees, Liaison Committees, Party Headquarters and others.

19 Timetable for Selection of Local Government Candidates

Each branch or ward selection committee with responsibility for selection of local government candidates will agree a timetable for the nomination and selection of local government candidate(s) in accordance with any procedures approved by the National Executive Committee.

20 Nomination of Local Government Candidates

The National Executive Committee shall specify the nomination procedure to be used for local government candidates'

21 Selection of Local Government Candidates

21.1 Where a selection is to be made by a ballot of all members, only Party members who reside in the electoral ward concerned may vote, in accordance with the procedures approved by the National Executive Committee.

21.2 Where a selection is to be made by a Liaison Committee, this shall be done in accordance with the procedures approved by the National Executive Committee.

22 Deselection of Local Government candidates

A local government candidate may be deselected by the National Executive Committee, if acting on the request of the Branch or ward selection committee concerned. The National Secretary may delegate the function of assessing such a request to a panel of National Executive Committee members, who will then report their findings to the National Executive Committee for decision.

23 Local Government By-elections

The National Executive Committee will establish rules and procedures for the vetting and selection of local government by-election candidates.

# **Selection Rules for Parliamentary By-Elections\***

## **1 Selection Timetable**

- 1.1 The Organisation Convener starts the selection process when a parliamentary by election appears to be inevitable.
- 1.2 The National Secretary issues a timetable for the selection process in accordance with the appendix to these rules after consultation with the Organisation Convener and local Party organisations.
- 1.3 The National Secretary may subsequently vary the timetable.
- 1.4 The National Secretary may only exercise this power when necessary for the interests of the Party generally, the integrity of the balloting process, or for other exceptional circumstances.

## **2 Candidate Short List**

- 2.1 The National Secretary and the Organisation Convener are responsible for identifying potential candidates for the by election, including seeking names from—
  - (a) local Party organisations with responsibilities for the area concerned;
  - (b) members of the National Executive Committee; and
  - (c) members resident in the area.
- 2.2 The Business Convener appoints an Interview Panel for the by-election, consisting of—
  - (a) National Secretary,
  - (b) Organisation Convener,
  - (c) Convener or Depute Convener of the Candidate Assessment Committee, and
  - (d) two other members of the National Executive Committee.
- 2.3 The Interview Panel—

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\* The Selection Rules for Parliamentary By-Elections were passed by the National Executive Committee on 19 December 2020.

- (a) determines which of the members identified as potential candidates should be invited to interview;
- (b) interviews potential candidates; and
- (c) decides on up to three candidates who should go forward to the balloting process.

### 3 Selection Ballot

- 3.1 The members eligible to vote for the selection of candidates are those members who reside in the constituency and were members of the Party three months before when the selection process was opened.
- 3.2 The National Secretary is responsible for engaging a ballot services company to administer the poll, including the issuing and receipt of postal ballot papers, entering data in relation to postal ballot papers, and the electronic count.
- 3.3 Members who have an email address on the membership system will be issued with an electronic ballot paper. Members who do not have an email address on the system, or whose email is detected as invalid by the ballot services company, will be issued with a paper ballot paper. It remains the member's responsibility to ensure that their email address on the membership system remains up to date.

### 4 Vote Counting

- 4.1 Votes are counted using the rules contained in Paragraph 47 to 53 of The Scottish Local Government Elections Order 2011, with 'most recent stage' in Paragraph 52(2)(a), replaced with 'first or subsequent stage', with the effect that if two candidates tie after the second stage and one candidate has more first preferences, that candidate is selected;
- 4.2 The ballot services company must adjudicate doubtful ballot papers using the guidance issued by the Electoral Commission for Scottish Local Government elections.

### 5 Result and Formal Selection of Candidate

- 5.1 The results of the selection contest will be made public by the National Secretary after candidates have been advised.
- 5.2 The National Executive Committee delegates to the National Secretary the power to select a candidate—

- (a) when only one candidate has been identified by the Interview Committee; and
  - (b) following a ballot of members which the National Secretary considers to have been conducted in a way which is beyond reasonable challenge.
- 5.3 The National Secretary may refer any other question concerning any selection process to the National Executive Committee for investigation, discussion and decision.
- 6 Online Hustings and Campaigning by Candidates
  - 6.1 The only permitted means of campaigning are—
    - (a) participation in online hustings;
    - (b) contact with members through the authorised email system;
    - (c) the use of a website, a personal Facebook page or a personal Twitter account; and
    - (d) communication through a candidate’s own personal contacts.
  - 6.2 The National Secretary must ensure that at least one online hustings takes place before ballot papers are issued to members using a format discussed with candidates and local office bearers and advertised to members eligible to vote in the selection.
  - 6.3 All candidates seeking selection will be provided with limited email facilities to allow contact with members resident in the constituency or region.
  - 6.4 Discounting attendances at hustings and other organised Party events, candidates must not contact members to seek their support more than twice before and during the balloting process.
  - 6.5 No candidate, or other person supporting a candidate, may make use of membership data other than as provided for in these rules to advance a candidacy or share membership data provided with others in any way not authorised by the Party’s Data Protection Officer.
  - 6.6 Candidates may provide a statement in support of their candidacy which must be sent by methods designated by the National Secretary and according to the timetable. The content of the statement must comply with any requirements set out by the National Secretary.

6.7 No candidate may—

- (a) make or publish any false statement of fact in relation to another candidate's character or conduct;
- (b) offer money or any other advantage to any member or organisation as an incentive to support their campaign;
- (c) improperly pressurise any member in relation to their vote in the elections;
- (d) engage in any form of trickery or deception;
- (e) otherwise act in a way which impedes the free choice of members in the selection.

6.8 The general law of election agency (that is, the attribution of the actions of members supporting a candidate, to that of the candidate) applies to these elections as they apply to candidates seeking election to the Scottish Parliament.

7 Donations

7.1 Candidates must only accept donations from individuals who are current members of the Party.

7.2 No candidate may accept a donation of more than £20 from any individual.

7.3 'Donations' include any benefit which would be regarded as a donation to a candidate for election to the Scottish Parliament.

8 Maximum Permitted Expenditure

8.1 The maximum permitted expenditure by a candidate in support of their campaign for selection from the opening of the process to the close of the poll is £200.

9 Spending Rules

9.1 The rules which apply to a candidate for election to a constituency in the Scottish Parliament on—

- (a) property, goods, services, etc. provided free of charge or at a discount;



- (b) general exclusions to the definition of ‘election expenses’ (with references to the provision of any facilities provided in pursuance of any right conferred on candidates including any hustings or other facility for campaigning offered to all candidates);

apply in the same way to the selection process covered by these rules.

## 10 Statement of Expenditure

10.1 All candidates must complete a Statement of Expenditure within seven days of their selection and send it the National Secretary. The statement must contain the following details—

- (a) The name of the candidate and the position the statement relates to;
- (b) Details of all items of expenditure under the following headings—
  - (i) Website Design & Hosting,
  - (ii) Video Production,
  - (iii) Copy Writing,
  - (iv) Social Media Advertising,
  - (v) Printed Materials,
  - (vi) Other Advertising,
  - (vii) Hustings,
  - (viii) Other Expenditure.
- (c) Invoices for each item of expenditure over £10.

10.2 The submission of the Statement of Expenditure represents a declaration by the candidate that to the best of their knowledge and belief it is a complete and correct statement as required under these rules.

## 11 Organisational Neutrality

11.1 No resources of the Party, other than as provided in these rules, may be used by, or made available to, any candidate seeking selection.

11.2 No Party meeting may take a vote preferring any candidate in a selection contest.

11.3 National and local Party office bearers, acting in their official capacity, must not seek to influence the votes of members by recommending a vote for a particular candidate, or stating that their organisation is supporting a particular candidate.

11.4 No group of members within the Party may collectively seek to influence the votes of members by recommending a vote for a particular candidate.

11.5 Headquarters staff must not act, or be asked to act, in a way which would call into question their impartiality.

11.6 Parliamentarians and councillors must ensure that neither they nor their staff use parliamentary or council resources for campaigning.

## 12 Infringement of Rules by Candidates and Others

12.1 Candidates and others must conduct themselves in a manner which does not infringe these rules, ensures the integrity of the process and allows members to freely express their choices.

12.2 The National Secretary will not entertain frivolous complaints about candidates or the process.

12.3 Where the National Secretary has reasonable cause to believe that a candidate, or another member, has breached these rules, the National Secretary may take all appropriate measures to attempt to reverse the effect of the breach. This includes contacting all members in the constituency or region concerned to inform them of the concerns of the National Secretary.

12.4 The National Secretary, in appropriate cases, may refer the candidate or other member to the Members' Conduct Committee.

## 13 Breach of Campaign Rules and Relief

13.1 Candidates and others must conduct themselves in a manner which does not infringe these rules, ensures the integrity of the process and allows members to freely express their choices.

13.2 A candidate who has not produced a Statement of Expenditure to the National Secretary on time and in accordance with these rules, or who

has exceeded the maximum permitted expenditure, is deemed to be not selected.

13.3 A candidate may be relieved from the consequences of any failure to adhere to these rules on cause shown by the National Secretary.

13.4 The National Secretary may refer any breach of these rules to the Members Conduct Committee.

## Appendix – Selection Timetable

Organisation Convener opens the selection process	TBC
Period for identification of potential candidates	TBC
Interviews of potential candidates	TBC
Up to three candidates identified for balloting	TBC
Online hustings	TBC
Electronic Ballots Open (Note – Postal votes will be dispatched as close to this time as possible)	TBC @ 12:00
Close of Poll for those voting electronically	TBC @ 12:00
Close of Poll for those voting by post	Receipt of postal deliveries by the ballot services provider on the date of the close of poll for those voting electronically

# **Selection Rules for Local Government By-Elections**

## **1 Opening of Nominations**

- 1.1 When a local government by-election becomes inevitable, even though a date for the election may not have been set, the relevant Local Government Liaison Committee will begin the selection procedure in accordance with these rules. Should no Local Government Liaison Committee be effectively functioning in an area, the Organisation Convener may act in their place, or delegate to another body, throughout the vetting and selection process.
- 1.2 The Liaison Committee will determine a timetable for the selection process, and this will be adhered to by all participants.
- 1.3 In the first instance, the Liaison Committee will consult with the local branch(es) involved, and will ask each body to provide, within a specified period, a list of potential by-election candidates. If there is no functioning branch covering the area of the ward concerned, then the CA shall act in place of a branch throughout the vetting and selection process. Potential candidates may also be proposed by gaining the signatures of ten members resident within the ward.

## **2 Assessment of Potential Candidates**

- 2.1 The Candidate Assessment Panel will ensure that assessment of potential candidates takes place within a specified period. The Panel will organise an assessment meeting in the local area once the closing date for nominations has been advised. All nominees will be advised of the time, date and venue of the assessment.
- 2.2 Where a nominee is already approved for local government candidacy on the Register of Approved Potential Candidates, as established in June 2010, no further assessment will be required.

## **3 Selection Process**

- 3.1 All potential candidates who have been proposed and successfully assessed by the Candidate Assessment Panel will go forward to a selection process. In the event of a sole nomination, they will be deemed to be selected.
- 3.2 Selection will normally be by postal ballot, with the closing date for receipt of ballot papers being determined by the National Secretary, but will be no later than twenty-one days after the close of

nominations. Where the election timetable issued by the returning officer does not allow sufficient time for a postal ballot of members, there will instead be a selection meeting held locally where the principles of one-member-one-vote in 3.3 and 3.4 will apply.

- 3.3 Only members resident within the ward, who have maintained their membership for three months prior to the final date for return of ballot papers are entitled to vote in the selection for a local government candidate.
- 3.4 All selections of local government by-election candidates will be carried out on the basis of one-member-one-vote using the principles of single transferable voting. Members will be made aware of the Scottish National Party's commitment to equality of opportunity and the need to ensure a broad mix of councillors are elected to represent the diverse communities of Scotland.
- 3.5 If any branch or Liaison Committee fails to meet timeously within the timescale available, the Organisation Convener shall have the power, in person or by depute, to convene meetings of that body or bodies. The Organisation Convener shall have power to act in place of a body that fails to function in this regard.

## Code of Conduct for Members

### 1 Applicability

Every member of the Scottish National Party is required to abide by the Party's Code of Conduct which is set out in Rule 2.

### 2 Code of Conduct

This Code of Conduct sets out minimum standards of behaviour which the Party expects from every member of the Party so that the Party may function in pursuing its aims in accordance with its constitutionally laid down policy and direction. The Party consists at any given time of all its members and therefore every member has a duty to adhere to and promote adherence to the standards.

#### *The SNP conduct Standards*

- 1 Every member owes a duty to the Party to abide by its constitutionally laid down policy and direction and its Constitution, Rules and Standing Orders.
- 2 A member shall not disavow the aims of the Party in whole or in part.
- 3 Members shall respect each other's good faith in endorsing the Party's aims.
- 4 Every member owes a duty to the Party to refrain from conduct likely to cause damage to or hinder the Party's proper pursuit of its aims in accordance with its constitutionally laid down policy and direction.
- 5 No member may make racist statements in any context.
- 6 Every member has a responsibility not to discriminate in his or her conduct on the ground of race, colour, gender, religious belief or non-belief or sexual orientation.
- 7 No member may make malicious allegations of illegal or improper conduct against any other member or maliciously cause to be reported or published in the media the fact that an allegation of illegal or improper conduct by a member is known to have been made.
- 8 No member shall abuse, harass or bully or maliciously defame any other member whether via the media or otherwise.

- 9 No member shall be a member of any organisation contesting elections in opposition to the Party or deemed to be a political party under the Party's Membership Rules or announce an intention to join any such organisation.
- 10 No member shall stand for election to a Scottish local authority, the Scottish Parliament, the Parliament of the United Kingdom or the European Parliament other than as a Party candidate.
- 11 At the first Scottish local authority elections occurring after 1 July 2004, Party members who are incumbent Independent Councillors may stand then for election as Independent Councillors, provided this does not involve standing against official SNP candidates and, if elected, may serve as Independent Councillors for one further term.
- 12 Any member elected as a Party candidate to any level of government owes duties to the Party to sign the Party's group Standing Orders for that level of government as soon as practicable after being elected and to re-sign the group standing orders as soon as practicable after any amendment of them by the Party.
- 13 Any member resigning from a Party group at any level of government owes a duty to the Party also to resign as a member of the local authority or Parliament to which he/she was elected as a Party candidate.
- 14 No member shall make a statement on behalf of a Branch, Constituency Association, Liaison Committee, recognised Members' Association or Affiliated Organisation of the Party without the authority of that organisation nor make any such statement that he/she knows or ought to know does not properly reflect the position of the body in question.
- 15 All members owe a duty to the Party to respect the internal confidentiality of Office Bearer reports to the Party and of papers issued only within the Party except insofar as these have been put into the public domain by or with the authority of the National Executive Committee.



## **Code of Conduct for Approved Parliamentary Candidates**

This Code of Conduct (“Code”) is designed to help candidates develop a positive, supportive, and constructive relationship with the Party at both national and local level. It gives guidance to the behaviour and activity, which will be expected, from approved parliamentary candidates.

The main purpose of the Code is as much to provide support for candidates as it is to assist the Party in running unified and united campaigns. However, failure to abide by this Code of Conduct may result in the candidate being removed from standing as an SNP candidate. This sanction is available to the National Executive Committee.

### ***The Code of Conduct***

- 1 As members of the Scottish National Party, candidates endorse the aims of the Scottish National Party, agree to abide by its Constitution, Rules and Standing Orders, including the Code of Conduct for Members, and agree to abide by the Policy and Direction of the Party.
- 2 Candidates will at all times support and promote Party policy in any campaign materials, speeches, press releases, interviews, letters to the press and on all other occasions. Guidance on policy is available from the Policy Unit at Headquarters.
- 3 Candidates will be expected to uphold the highest standards in their comments to the media. Candidates will not seek to undermine or brief against the Party, other SNP candidates or Party members.
- 4 Candidates are required, if elected, to pay in full the Parliamentary Levy approved by National Conference in September 2003.
- 5 Candidates will conduct themselves at all times in a manner such as not to bring the Party into disrepute. On any occasion when a Candidate has concerns that any action, activity, statement or issue, may be used against them, or may bring the Party at local or national level into disrepute or difficulty, they must contact either the Corporate Governance and Compliance Manager or the National Election Campaign Co-ordinator as soon as possible for advice, guidance and support. Pro-active planning can often defuse problems which could be more difficult to handle in the absence of information.
- 6 Other than in circumstances where the Candidate is the designated Party spokesperson on the subject in question, Candidates must inform the Corporate Development Manager at Headquarters of any requests for

interview or comment by the national media prior to accepting any such requests, and must accept advice on whether or not to undertake such interview or comment. Candidates must also keep Headquarters informed of invitations to speak at or contribute to external meetings or conferences, which may attract press attention. If in doubt about any media or speaking request, please check with the Corporate Development Manager. Please note that this applies to national rather than local media, which candidates should be saturating at every opportunity.

- 7 Candidates should be aware that even statements or comment made in private or at Party meetings can find their way into the public domain. This is particularly true of comments on internal Party matters, which must always be handled with responsibility. Candidates should bear in mind at all times the importance of preserving Party unity in a pre-election period.
- 8 Candidates will make every reasonable effort to attend training and briefing sessions organised by the Party, study and be familiar with policies of the Party and with briefing and other Party material, and with current political issues and will constantly address themselves to any policy, presentational or other weaknesses which require development and which are identified in training. Candidates can be expected to attend and contribute to the Candidates Forum.
- 9 Candidates will keep in contact with their selected constituency and work closely with them, in partnership, in the campaign. Candidates must also work closely with neighbouring Candidates and MSPs, MPs, MEPs, and Councillors, sharing information and co-ordinating local press as appropriate.
- 10 Candidates will respond promptly to requests for information from Headquarters and will obtain an email address at the earliest opportunity at home, or if that is not possible, in local constituency or SNP premises. Candidates will make every reasonable effort to make themselves available for national campaign activity as requested and are encouraged to contribute to national campaign thinking through the Candidates Forum, meetings with the National Election Campaign Co-ordinator and team, and by proactive suggestion.
- 11 Breaches of this Code will be reported to the National Executive Committee by the National Secretary. For the avoidance of doubt, failure or refusal to sign this Code constitutes a breach.

## **Code of Conduct for Approved Local Government Candidates**

This Code of Conduct (“Code”) is designed to help candidates develop a positive, supportive, and constructive relationship with the Party at both national and local level. It gives guidance to the behaviour and activity which will be expected from approved local government candidates.

The main purpose of the Code is as much to provide support for candidates as it is to assist the Party in running unified and united campaigns. However, failure to abide by this Code of Conduct may result in an individual being removed from the approved register and not authorised to stand as a candidate for the Scottish National Party. This sanction is available to the National Executive Committee.

### ***The Code of Conduct***

- 1 As members of the Scottish National Party, candidates endorse the aims of the Scottish National Party, agree to abide by its Constitution, Rules and Standing Orders, including the Code of Conduct for Members, and agree to abide by the Policy and Direction of the Party.
- 2 Candidates will at all times support and promote Party policy in any campaign materials, speeches, press releases, interviews, letters to the press and on all other occasions. Guidance on policy is available from the Policy Unit at Headquarters.
- 3 Candidates will be expected to uphold the highest standards in their comments to the media. Candidates will not seek to undermine or brief against the Party, other SNP candidates or Party members.
- 4 Candidates are required, if elected as a Councillor, to pay in full any levies as agreed by their SNP Council Group, Liaison Committee, or by National Council/Conference.
- 5 Candidates will conduct themselves at all times in a manner such as not to bring the Party into disrepute. On any occasion when a Candidate has concerns that any action, activity, statement or issue, may be used against them, or may bring the Party at local or national level into disrepute or difficulty, they must contact either the Candidate Support Coordinator, or the National Election Campaign Co-ordinator as soon as possible for advice, guidance and support. Pro-active planning can often defuse problems which could be more difficult to handle in the absence of information.

- 6 Candidates must inform the Candidate Support Coordinator at Headquarters of any requests for interview or comment by the national media prior to accepting any such requests, and must accept advice on whether or not to undertake such interview or comment. Candidates must also keep Headquarters informed of invitations to speak at or contribute to external meetings or conferences, which may attract press attention. If in doubt about any media or speaking request, please check with the Candidate Support Coordinator. Please note that this applies to national rather than local media, which candidates should be saturating at every opportunity.
- 7 Candidates should be aware that even statements or comment made in private or at Party meetings can find their way into the public domain. This is particularly true of comments on internal Party matters, which must always be handled with responsibility. Candidates should bear in mind at all times the importance of preserving Party unity in a pre-election period.
- 8 Candidates will make every effort to attend training and briefing sessions organised by the Party, study and be familiar with policies of the Party and with briefing and other Party material, and with current political issues and will constantly address themselves to any policy, presentational or other weaknesses which require development and which are identified in training.
- 9 Candidates should register at <http://college.snp.org> and ensure they are aware of the election law and campaign advice accessible there.
- 10 Candidates should register at <http://activate.snp.org> to allow for entry and analysis of voter Identification data.
- 11 Candidates should familiarise themselves and adhere to the Social Media Policy: <http://votesnp.com/smpd>
- 12 Candidates should familiarise themselves and adhere to the Code of Conduct on postal voting: <http://votesnp.com/pvcd>
- 13 Candidates will keep in contact with the Party organisations which cover their ward and work closely with them, in partnership, in the campaign. Candidates must also work closely with neighbouring Candidates and MSPs, MPs, MEPs, and Councillors, sharing information and co-ordinating local press as appropriate.
- 14 Candidates will campaign in line with the Vote Management Strategy within their ward as endorsed by the local liaison committee. All election material distributed in the ward must name all SNP candidates standing in

the ward. Any candidate who campaigns in a manner that undermines other SNP candidate(s) in the ward will be required to cease immediately such activity. Any further breach may result in removal as an SNP candidate.

- 15 Candidates will respond promptly to requests for information from Headquarters and will obtain an email address and/or fax number at the earliest opportunity at home, or if that is not possible, in local constituency or SNP premises. Candidates will make every effort to make themselves available for campaign activity as requested by the local liaison committee.
- 16 Breaches of this Code will be reported to National Executive Committee by the National Secretary. For the avoidance of doubt, failure or refusal to sign this Code constitutes a breach.

## Disciplinary Rules\*

- 1 Composition and meetings of the Disciplinary Committee
  - 1.1 The Disciplinary Committee consists of 9 members of the Party who are neither members of the National Executive Committee nor of the Appeals Committee.
  - 1.2 The members of the Disciplinary Committee are elected annually at National Conference. If less than 9 are elected, the National Executive Committee appoints the remaining members. The National Executive Committee appoints a Disciplinary Committee Convener from the membership of the Disciplinary Committee.
  - 1.3 The Disciplinary Committee meets as often as required to ensure that all complaints presented to the Disciplinary Committee under Rule 3 can be considered no later than one month after being presented. The minimum quorum for Disciplinary Committee meetings is 5 but all its members owe a duty of regular attendance. The chairperson at a Disciplinary Committee meeting is the Disciplinary Committee Convener whom failing a deputy appointed by the Disciplinary Committee Convener. The chairperson is responsible for the fair conduct of a Disciplinary Committee meeting. Decisions of Disciplinary Committee meetings are made by majority vote of those members attending. The chairperson has deliberative and casting votes. It is the Disciplinary Committee Convener's responsibility to ensure that Disciplinary Committee meetings are minuted.
- 2 Composition and meetings of the Appeals Committee
  - 2.1 The Appeals Committee consists of 7 members of the Party who are members neither of the National Executive Committee nor of the Disciplinary Committee (subject to the proviso that it has up to 15 members until the end of Annual National Conference in September 2004).
  - 2.2 The members of the Appeals Committee are elected annually at National Conference. If less than 7 are elected, the National Executive Committee appoints the remaining members. The National Executive

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\* Under the Transitional Directions, in these Rules "Disciplinary Committee" is replaced with "Member Conduct Committee" and "Appeals Committee" is replaced with "Conduct Appeals Committee".

Committee appoints an Appeals Committee Convener from the membership of the Appeals Committee.

2.3 The National Executive Committee appoints an Appeals Committee Clerk who is a member of the Party who has experience in law but is not a member of the National Executive Committee, the Disciplinary Committee or the Appeals Committee. The Appeals Committee Clerk has the responsibility to maintain accurate records of Appeals Committee proceedings and is delegated by the Appeals Committee Convener the task of communicating information to parties involved in appeals. The Appeals Committee Clerk may also respond to requests for procedural advice from the chairperson of an Appeals Committee meeting but the chairperson is responsible for assessing the worth of the advice and receipt of the advice in no way qualifies the responsibility of the chairperson to ensure that the meeting follows fair procedure. The Appeals Committee Clerk is bound by the same responsibilities of confidentiality as Appeals Committee members.

2.4 The minimum quorum for Appeals Committee meetings is 3 but all its members owe a duty of regular attendance. The chairperson at any Appeals Committee meeting is the Appeals Committee Convener whom failing a deputy appointed by the Convener. It is the chairperson's responsibility to ensure that the meeting follows fair procedure in hearing an appeal. Decisions of Appeals Committee meetings are made by majority vote of those members attending. The chairperson has deliberative and casting votes.

### 3 Complaints to the Disciplinary Committee

3.1 The Disciplinary Committee shall consider "complaints" presented to it by the National Secretary.

3.2 A "complaint" presented by the National Secretary is a proposal by him/her that the Disciplinary Committee should take disciplinary measures against a member of the Party on one of the following Grounds—

- (a) That the member has contravened the Constitution or Rules;
- (b) That the member has breached one of the numbered Standards in the Party's Code of Conduct.

3.3 The National Secretary must present such a complaint to the Disciplinary Committee if he/she is directed to do so by the National Executive Committee or if he/she has exercised the National

Secretary's power of suspension in the Constitution and otherwise may present such a complaint to the Disciplinary Committee if he/she considers that it is appropriate to do so having regard to information received and/or inquiries made by him/her. In cases where the National Secretary does not consider it appropriate to present a complaint he/she may nevertheless write to parties involved appropriately confirming the requirements of the Constitution and Rules and/or the Code of Conduct.

3.4 The National Secretary's complaint must be presented in writing to the Disciplinary Committee Convener and must at minimum specify—

(i) The Ground on which he/she proposes that the Disciplinary Committee should take disciplinary measures; and

(ii) (a) In the case of Ground 3.2(a), the provision of the Constitution or Rules that the member is alleged to have contravened and the manner and circumstances in which he/she is alleged to have contravened it;

(b) In the case of Ground 3.2(b), the Standard in the Code of Conduct that the member is alleged to have breached (which may not be Standard 4 unless the National Secretary considers that none of the other Standards is specifically applicable in the circumstances of the case) and the manner and circumstances in which he/she is alleged to have breached it.

3.5 The Disciplinary Committee shall not consider a complaint that lacks the above minimum specification.

3.6 At the same time as, or as soon as reasonably practicable after, presenting the written complaint to the Disciplinary Committee Convener, the National Secretary must send written notification of the presenting of the complaint to the member concerned enclosing copies of the written complaint and any documents annexed to it and also notifying the member that—

(a) he/she shall be sent at least 14 days prior notification of the date on, time at which and place where the Disciplinary Committee will meet to consider the complaint;

(b) he/she is invited to submit a written response (including annexed documents) to the complaint to the Disciplinary Committee Convener at Party HQ and the Disciplinary



Committee is obliged to take into account that response if received at Party HQ by 5pm on the day which is three days before the date on which the Disciplinary Committee meets to consider the complaint;

- (c) whether or not he/she submits a written response, he/she may attend in person on the date when and at the place where the Disciplinary Committee will meet to consider the complaint and, if he/she does so attend by the time at which the Disciplinary Committee is to meet, he/she will be heard in person by the Disciplinary Committee as part of its consideration of the complaint;
- (d) if he/she does attend in person, he/she may be accompanied by another Party member to assist him/her in explaining his/her position to the Disciplinary Committee.

3.7 The National Secretary must provide a copy of that notification to the Disciplinary Committee Convener.

4 Date, time and place and notification of meeting of the Disciplinary Committee to consider a complaint

4.1 The National Secretary must liaise with the Disciplinary Committee Convener to arrange the date on, time at which and place where the Disciplinary Committee Convener will convene a Disciplinary Committee meeting to consider any complaint.

4.2 The date should be one which is no later than one calendar month after the complaint is presented but which allows for the National Secretary to send at least fourteen days prior notification of the date, time and place of the meeting to the member.

4.3 The National Secretary must send that notification to the member and provide a copy of the notification to the Disciplinary Committee Convener.

5 Consideration and disposal of complaint by Disciplinary Committee

5.1 The Disciplinary Committee must take into account any response (including annexed documents) submitted timeously by the member.

5.2 If the member attends timeously on the date when and at the place where the Disciplinary Committee is meeting to consider the complaint, the Disciplinary Committee will hear the member in

person as part of its consideration of the complaint and if the member has brought another member of the Party to assist him/her in presenting his/her position to the Disciplinary Committee that other member will be permitted to assist.

- 5.3 If the National Secretary timeously attends on the date when and at the place where the Disciplinary Committee is meeting to consider the complaint, he/she is entitled to be present at the meeting if and when the Disciplinary Committee is hearing the member in person. The Disciplinary Committee is entitled to seek comment from the National Secretary, in presence of the member, on any matter arising during its hearing of the member.
- 5.4 If the Disciplinary Committee finds the Ground of complaint to be not established it shall dismiss the complaint.
- 5.5 If the Disciplinary Committee finds the ground of complaint to be established it shall, taking reasonable account of all the circumstances, impose one of the three disciplinary measures of admonition, suspension for a fixed period not exceeding six months or expulsion or, in exceptional circumstances where the Disciplinary Committee does not consider it would be fair to impose any disciplinary measure, discharge the complaint.
- 5.6 Where the Disciplinary Committee imposes a suspension of three months or less, it shall be open to the Disciplinary Committee to direct that the suspension shall not come into effect before the later of
  - (a) the time having passed for presenting any appeal without any appeal having been presented; or
  - (b) the dismissal of any appeal presented.
- 5.7 The Disciplinary Committee's disposal shall have immediate effect (subject to a deferral direction in the case of suspension) and be final and binding subject only to the member's right of appeal to the Appeals Committee against an admonition, suspension or expulsion.
- 5.8 The Disciplinary Committee Convener shall report the disposal to the National Secretary and to the member. In a case where the disposal is one of admonition, suspension or expulsion the Disciplinary Committee Convener's report to the member concerned shall advise him/her that he/she has the right to appeal to the Appeals Committee and that he/she may exercise that right by intimating his/her intention to do so to the National Secretary within 21 days. Any disposal of

suspension or expulsion of the member shall have the effect of suspending his/her membership of or expelling him/her from any Party group at any level of government of which he/she is a member and it is the National Secretary's responsibility to intimate such disposal of suspension or expulsion and its effect to the Secretary of the group. It is the National Secretary's responsibility to intimate the disposal to the next meeting of National Conference or National Council.

6 Appeals to the Appeals Committee against admonition, suspension or expulsion by the Disciplinary Committee

6.1 A member who has been admonished, suspended or expelled by the Disciplinary Committee has the right to appeal to the Appeals Committee and may exercise that right by intimating his/her intention to do so to the National Secretary within 21 days of the Disciplinary Committee Convener's report to him/her of the Disciplinary Committee disposal.

6.2 Appeal may only be pursued on one or more of the following grounds—

(a) That on the information before the Disciplinary Committee it was unreasonable for the Disciplinary Committee to find the ground of complaint to be established.

(b) That there is relevant, reliable and significant information that was not before the Disciplinary Committee that would have been likely to cause the Disciplinary Committee to find that the ground of complaint was not established.

(c) That the Disciplinary Committee's consideration of the complaint was procedurally unfair to the member to a significant extent.

(d) That the disciplinary measure imposed was excessive.

6.3 The National Secretary must acknowledge any intimation of intention to appeal to the member, advise him/her of the four grounds on which appeal may be pursued and require the member to give written notification ("the appeal statement") to the National Secretary within twenty one days of the one or more grounds on which he/she wishes to appeal and, in the case of Grounds 6.2 (a) and (c) respectively, of the information referred to and/or the respects in which the member

considers the Disciplinary Committee's consideration of the complaint to have been procedurally unfair.

- 6.4 On receipt of the appeal statement the National Secretary shall refer it and the previous intimation of intention to appeal to the Appeals Committee Convener.
- 6.5 Thereafter the Appeals Committee Convener shall communicate with the member and the National Secretary through the Appeals Committee Clerk regarding arrangements for an Appeals Committee meeting to consider the appeal and prior exchanging of copies of documents and lists of witnesses intended to be brought to the meeting. The member, if he/she so wishes, shall be entitled to bring another member of the Party to the meeting to assist him/her in presenting his/her appeal and shall be advised of that right in the communications with him/her regarding arrangements for the meeting.
- 6.6 The Appeals Committee Convener shall seek to achieve that the meeting of the Appeals Committee to consider the appeal shall take place within no longer than one calendar month from his/her receipt of the appeal statement subject to avoiding dates and times that are not reasonably practicable for the member or the National Secretary and subject to both the member and the National Secretary receiving at least fourteen days notice of the date, time and place fixed and of their right to attend and bring relevant documents and witnesses.
- 6.7 If no ground of appeal is upheld by the Appeals Committee, it shall dismiss the appeal.
- 6.8 If any of grounds 6.2 (a), (b) or (c) is upheld by the Appeals Committee, it shall recall the Disciplinary Committee's decision to impose a disciplinary measure and dismiss the original complaint.
- 6.9 If only Ground 6.2 (d) is upheld by the Appeals Committee, it shall recall the Disciplinary Committee's decision imposing a disciplinary measure and either impose a lesser disciplinary measure or discharge the original complaint.
- 6.10 The Appeals Committee Convener per the Appeals Committee Clerk shall report the Appeals Committee's disposal to the member and to the National Secretary. The Appeals Committee's disposal shall be final and binding and not subject to further appeal. An Appeals Committee disposal that recalls a Disciplinary Committee decision imposing either a suspension that was not subject to a deferral

direction or expulsion has the effect of recalling any consequent suspension from membership of or expulsion from a Party group at any level of government and it is the National Secretary's responsibility to intimate such an Appeals Committee disposal and its effect to the Secretary of the group. An Appeals Committee disposal that itself imposes suspension on a member shall have the effect of suspending his/her membership of any Party group at any level of government of which he/she is a member and it is the National Secretary's responsibility to intimate such a disposal and its effect to the Secretary of the group. It shall be the responsibility of the National Secretary formally to intimate the disposal to the next meeting of National Conference or National Council.

7 Appeals to Appeals Committee against expulsions from Party local authority groups

7.1 The Appeals Committee also has the function of hearing appeals against expulsions from Party local authority groups referred to it by the National Secretary in accordance with the Party's standing orders for its local authority groups.

7.2 After such an appeal is referred to the Appeals Committee the Appeals Committee Convener shall communicate with the Councillor concerned and the Secretary of the local authority group through the Appeals Committee Clerk regarding arrangements for a meeting of the Appeals Committee to consider the appeal and prior exchanging of copies of documents and lists of witnesses intended to be brought to the meeting.

7.3 The Convener shall seek to achieve that the meeting of the Appeals Committee to consider the appeal shall take place within no longer than one calendar month from the appeal being referred to the Appeals Committee subject to avoiding dates and times that are not reasonably practicable for the Councillor or the Secretary of the local authority group and subject to both the Councillor and the Secretary of the local authority group receiving at least fourteen days notice of the date and time fixed and of their right to attend and bring relevant documents and witnesses. The Councillor shall be entitled to bring one member of the Party to the meeting to assist him in presenting his/her appeal.

7.4 The Appeals Committee shall uphold the appeal and quash the expulsion if it is satisfied that the expulsion was not effected in accordance with group standing orders or that there was other

significant unfairness in the expulsion procedure or if it considers that in the circumstances expulsion was unfair or excessive but, if it not so satisfied or if it does not so consider, it shall dismiss the appeal.

- 7.5 The Appeals Committee's disposal shall be final and binding and not subject to further appeal. The Appeals Committee Convener through the Appeals Committee Clerk shall report the disposal to the Councillor, the Secretary of the local authority group and the National Secretary. The National Secretary shall intimate the disposal to the next meeting of National Conference or National Council.
  - 7.6 In the event of the appeal having been upheld and the expulsion quashed it is the duty of the office bearers of the local authority group to ensure that the disposal is given practical effect as soon as is reasonably practicable.
  - 7.7 In the event of the National Secretary having presented a Rule 3 complaint to the Disciplinary Committee against the Councillor on a ground relating to the Councillor's expulsion from the local authority group, the Disciplinary Committee shall not meet to consider that complaint until any appeal by the Councillor under this Rule 7 has been disposed of.
- 8 Appeals to Appeals Committee against deemed public intimation of resignation
- 8.1 The Appeals Committee has the further function of hearing appeals by members against having been deemed publicly to have intimated resignation from the Party.
  - 8.2 After such an appeal is referred to the Appeals Committee by the National Secretary in accordance with the Membership Rules the Appeals Committee Convener shall communicate with the member and the National Secretary through the Appeals Committee Clerk regarding arrangements for an Appeals Committee meeting to consider the appeal and prior exchanging of copies of documents and lists of witnesses intended to be brought to the meeting.
  - 8.3 The member, if he/she so wishes, shall be entitled to bring another member of the Party to the meeting to assist him/her in presenting his/her appeal and shall be advised of that right in the communications with him/her regarding arrangements for the meeting.

- 8.4 The Convener shall seek to achieve that the meeting of the Appeals Committee to consider the appeal shall take place within no longer than one calendar month from the appeal being referred to the Appeals Committee subject to avoiding dates and times that are not reasonably practicable for the member or the National Secretary and subject to both the member and the National Secretary receiving at least fourteen days notice of the date, time and place fixed and of their right to attend and bring relevant documents and witnesses.
- 8.5 The Appeals Committee shall uphold the appeal if it is satisfied either that the words or actions of the member that were deemed to constitute public intimation of resignation did not constitute such intimation or that the member did not in fact use the words or commit the acts deemed to constitute such intimation but shall otherwise dismiss the appeal.
- 8.6 The effect of an appeal being upheld by the Appeals Committee will be that with immediate effect from its being upheld the member will be entitled to be treated in all respects as if he/she had never been deemed to have intimated resignation.
- 8.7 The Appeals Committee's disposal shall be final and binding and not subject to further appeal. The Appeals Committee Convener through the Appeals Committee Clerk shall report the disposal to the member and to the National Secretary. The National Secretary shall intimate the disposal to the Secretary of any Party group at any level of government to which the member belonged when he/she was deemed to have intimated resignation. The National Secretary shall also intimate the disposal to the next meeting of National Conference or National Council.

# **Standing Orders for the SNP Group in the Scottish Parliament**

## **1 Membership of the Group**

Membership of the Group will be open to approved Scottish National Party candidates at the time of their election and who accept or have accepted in writing the Standing Orders of the Group. In all other cases membership shall be extended only to those Members who have applied for membership and accept the aims and policy of the SNP, as well as the Standing Orders of the Group.

## **2 Responsibilities and Conduct of Members**

Members will—

- (a) Abide by and support the SNP's policies, Group discipline and Group decisions.
- (b) Treat their position as a full-time commitment with an attendance and work rate commensurate with that status. The Chief Whip will be responsible for advising the Group if the performance of any Member is inconsistent with this standard.
- (c) Adhere to the Code of Conduct for Members of the Scottish Parliament.
- (d) Accept that no Member shall within, or outwith the Parliament, publicly criticise a Group decision, policy or another Member of the Group.
- (e) Accept that Members elected to Constituency seats will be expected to establish a constituency office and to liaise with the Party organisations covering their constituency; whilst those Members elected to Regional seats will be expected to contribute to the funding and running costs of regional offices to support their work and to liaise with the relevant Regional Association.
- (f) Recognise the importance of the Group staff in providing support to the SNP Group in Parliament. All Members of the Group will therefore be required to contribute equally from their Members' Allowance Scheme to the cost of maintaining the Group Staff, at a level set by the Group.



- (g) Adhere to all decisions taken democratically by the Group. Any Member registering their dissent at the time of the Group decision must meet with the Chief Whip as soon as possible to discuss the situation.
- (h) Ensure that, in the event that a Member is unable to meet their commitments as a Member due to personal circumstances or illness, that the Chief Whip should be notified as soon as possible.
- (i) Note that requests for Pairing should be lodged with the Chief Whip using the Requests for Pairing Form as soon as possible prior to the day when a Pair is requested. No verbal requests for Pairing can be accepted. Members are advised that a request for Pairing may not result in a Pair being given.
- (j) Recognise that Members who have been paired or given dispensation by the Chief Whip to be absent from Parliament on chamber days, must be prepared to return immediately at the Member's own expense to the Parliament on the direction of the Chief Whip.
- (k) Be required to attend all Group meetings unless prior dispensation has been granted by the Chief Whip. Accept that it is the responsibility of any Member who has prior dispensation to miss a Group meeting to make themselves aware of Group decisions on all issues prior to any meeting and to support such decisions, which have been taken.
- (l) Recognise that failure to comply with the above will result in disciplinary action being taken against the Member.

### 3 Leader of the Group

The Leader of the Scottish National Party shall be the Leader of the Group, unless the holder of that post is not a Member of the Scottish Parliament, in which circumstances the Group will elect its own Leader. In these latter circumstances, the Group at its first meeting will elect the Leader after the election and on an annual basis thereafter.

### 4 Deputy Leader of the Group

The Deputy Leader of the Scottish National Party shall be the Deputy Leader of the Group, unless the holder of that post is not a Member of the Scottish Parliament, in which circumstances the Group will elect its own

Deputy Leader. In these latter circumstances, the Group at its first meeting will elect the Deputy Leader after the election and on an annual basis thereafter.

## 5 Group Office Bearers

5.1 On an annual basis, the Group shall elect its own Convener, Vice Convener and Secretary who will be responsible for conducting a regular meeting of the Group at which the business of the Group will be transacted and at which the Leader, Business Manager/Chief Whip and Cabinet Members will be active participants.

5.2 On an annual basis the Group will elect Members to internal organisations of the SNP as appropriate and as defined in the Constitution & Rules of the Scottish National Party.

5.3 The Group shall appoint a treasurer who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the Political Parties, Elections and Referendums Act 2000.

## 6 Group Meetings

6.1 The Group will meet on a regular basis when Parliament is in Session to—

- (a) Consider future parliamentary business and the stance to be adopted by the Group;
- (b) Hear reports from the Leader, Chief Whip and Cabinet Members;
- (c) Deal with matters of internal discipline; and
- (d) Elect nominees from the Group to stand for positions within the Parliament, such as Committee posts, chairs etc.

6.2 To ensure continuity with the SNP Groups in the European and Westminster Parliaments, Members from these Groups will be eligible to attend meetings of the Scottish Parliamentary Group on a non-voting basis and vice versa. Any other individual may be invited to attend the Group only by invitation of the Group. Non-Members attending the Group would be required to accept the constraints of confidentiality of the business that will be required of Members in that Group.

6.3 The quorum of Members required to constitute a meeting of the Group shall be 40% of Group Members.

## 7 Appointments by the Leader of the Group

The Leader of the Group will make the following appointments—

- (a) Cabinet Members and their specific portfolios;
- (b) Business Manager, who will also be the Chief Whip, subject to the approval of the Group;
- (c) Conveners and Deputy Conveners of Committees.

## 8 Appointments by the Chief Whip

8.1 The Chief Whip will make appointments to places on Committees.

8.2 Members will abide by the decision of the Chief Whip regarding placement on Committees and any changes that may be required. Attendance and contribution at Committees will be monitored and recorded by the Chief Whip.

## 9 Exercise of a Group Whip

9.1 All matters not designated by the Group as being free votes or matters of conscience, shall be subject to the full Group Whip. The Group will define when Members can exercise a free vote.

9.2 Matters of Conscience are matters where there is clear Party policy but also which touch on personal conscience or religious faith. Members shall be free, with the agreement of the Group, to exercise a conscience vote on such matters, provided the viewpoint is expressed with moderation and care, and acknowledgement is given to Party policy. If such a viewpoint is to be expressed it must be discussed in advance with the Chief Whip. Such areas can also include areas of vital constituency interest.

9.3 The Chief Whip must be timeously informed if an individual wishes to exercise a conscience vote and will advise the Member if consent has been granted.

## 10 Discipline

Principles of Disciplinary procedures—

- (a) The Chief Whip will take action in accordance with the Disciplinary Procedures Guidance Note for the Chief Whip.

- (b) The Chief Whip is responsible for monitoring breaches of Standing Orders and for the application of the disciplinary process against Members. The appropriate forms of disciplinary action shall be a verbal warning, a written warning, a final written warning, suspension or expulsion from the Group or any other disciplinary action considered appropriate.
- (c) The Chief Whip will have power to suspend a Member between scheduled meetings of the Group, and will be required to bring the case to the Group for approval at a special meeting convened for the purpose of discussing the disciplinary process.
- (d) Members may be suspended or expelled from the Group on a recommendation of the Group Convener or Chief Whip, and supported by a two-thirds majority of those attending a duly constituted meeting of the Group.
- (e) Suspension will be for a given period.
- (f) Notification of the reason for suspension or expulsion will be explained to the Member concerned by the Group Whip prior to the next scheduled meeting of the Group, at which, Members will discuss the case.
- (g) A full record of all disciplinary action against any Member will be held by the Chief Whip, including details of each charge, a note of what action was taken, and copies of any correspondence or notes detailing the outcome of disciplinary action. This record will, at the discretion of the Chief Whip, be made available to the relevant constituency or regional association of the SNP. It will also be made available to the Election Committee before consideration of any application to become an approved Scottish National Party candidate by the Member in the future.

## 11 Staff Relations

### 11.1 SNP Members will—

- (a) Treat all staff in accordance with the Code of Conduct for Members of the Scottish Parliament.
- (b) Recognise the right of all staff to be a member of a Trade Union whether employed by the Member or the Group. Staff should be advised of this right, and a clause should be included in their Contract of Employment.

- (c) Recognise the National Union of Journalists (NUJ) as the most appropriate Trade Union for Members and staff.
- (d) Be deemed to have granted an irrevocable mandate and instructed the Scottish Parliamentary Corporate Body to pay an equal share of the costs of employing members of Group staff for the period to and including 3 May 2007; and recognise the SPCB shall treat any sum paid under this clause as if it had been paid in satisfaction of a claim made by the Member under the Members' Allowances Scheme.
- (e) Be deemed, if the Member is returned at the general election on 3 May 2007, to have granted an irrevocable mandate and instructed the Scottish Parliamentary Corporate Body to pay an equal share of the costs of employing members of Group staff during the period from and including 4 May 2007 to and including 31 May 2007; accept that the costs of employing a person include any costs which are incurred as a result of the termination of that person's employment (whether falling due under contract or statute) and may include redundancy payments; and recognise that the SPCB shall treat any sum paid under this clause as if it had been paid in satisfaction of a claim made by the Member under the Members' Allowances Scheme

11.2 The employer of Group staff, unless otherwise delegated, is the Leader of the Group.

11.3 Members should recognize the complexity of employment legislation and should, in the interests of common employment practice, seek the assistance of Group or Parliament staff in dealing with any staff disputes, subject to existing Trade Union involvement.

## 12 Approval and Amendment of Standing Orders

12.1 Any amendments to these Standing Orders will be subject to approval by National Council or National Conference. The Group will review Standing Orders after each election to the Scottish Parliament.

12.2 By signing these Standing Orders, you are accepting that you have read and understood the terms and conditions of Group membership, recognise the duties and responsibilities you have as a Scottish National Party Member of the Scottish Parliament, and accept that you are bound by its contents.

## Disciplinary Procedures for SNP Parliament Group Members

### Clause 1

This disciplinary procedure applies to all SNP Group Members.

### Clause 2

- (a) In the event of a minor breach of Standing Orders the Group Convener and Group Whip will be responsible for any action as detailed in Clause 6 below. Any decision to invoke more serious disciplinary procedures against a Group member for breach of any clause of the Group Standing Orders must be made by two-thirds majority vote of Group members at a meeting convened for such purpose with a minimum of seven days notice being given to all members of the Group. The Group Convener or Group Whip shall be responsible for making any motion at a Group meeting on disciplinary procedures under this Clause.
- (b) After deciding to invoke the disciplinary procedure, the member concerned must be informed by the Group Convener or Group Whip which clause he/she is considered to be in breach of, what actions are deemed to constitute a breach and that a vote will be taken of all Group members to decide whether or not a breach has occurred. Only the Group Convener or Group Whip may speak to or ask any questions of the member concerned throughout the meeting.
- (c) The member concerned must be given the opportunity to explain his/her actions, to answer any questions asked and to state his/her case.
- (d) Any Group decision that a member has acted in breach of Standing Orders must be carried by a two-thirds majority.
- (e) Throughout the specially convened meeting, appropriate minutes must be taken. It must be duly recorded in the minutes the result of the vote to decide whether or not to invoke the disciplinary procedure, what clause of Standing Orders the member is considered to have acted in breach of, the actions deemed to constitute a breach, and the result of the vote to decide whether or not a breach has occurred.

### Clause 3

The Group Convener and Group Whip should recommend what level of disciplinary action is considered appropriate for any breach of discipline.

### Clause 4

The appropriate forms of disciplinary action shall be a verbal warning, a written warning, a final written warning, suspension or expulsion from the Group or any other disciplinary action considered appropriate.

#### Clause 5

Notice of any disciplinary action taken shall be notified to the National Executive Committee at the same time as the member concerned is informed, unless it is a minor breach of discipline.

#### Clause 6

- (a) If the breach of Standing Orders is considered to be of a minor nature, a verbal warning will be given by the Group Convener of the Group Whip, but both must be in attendance. The Group member will be left in no doubt as to the reason or grounds for the warning and the likely consequences of repetition or further disciplinary offences.
- (b) Where a verbal warning is issued it will be confirmed in writing by the Group Convener of Group Whip to the member concerned. A copy will be retained by the Group Whip for a period of one year and will be referred to in the event of a disciplinary procedure being invoked against the member in that period.
- (c) Subject to there being no further breaches of Group Standing Orders verbal warning will expire after a discipline free period of one year unless otherwise specified.

#### Clause 7

- (a) If the breach is considered to be a serious one, or if a further breach occurs whilst a member is subject to a current verbal warning, a written warning will usually be given. The written warning will be issued by the Group Whip. The Group member will be left in no doubt as to the reason or grounds for the warning and the likely consequences of repetition or further disciplinary offences.
- (b) A copy of the written warning will be retained by the Group Whip for a period of 24 months and will be referred to in the event of the disciplinary procedure being invoked against the member in that period.
- (c) Subject to their being no further breaches of Group Standing Orders written warnings will expire after a discipline free period of 24 months unless otherwise specified.

- (d) If it is considered appropriate to withdraw the whip for a period where this involves a Group Spokesperson, or where the member is in the Scottish Government the Group Leader will be informed. The Group Leader will consider the continued suitability of a Group member to hold a Spokesperson position or Scottish Government Office.

#### Clause 8

- (a) If a breach is considered sufficiently serious to warrant one written warning but is insufficiently serious to justify expulsion, or where there has been a further breach after the issue of a written warning, a final warning will normally be given. The Group member will be left in no doubt as to the reason and grounds for the warning and the likely consequences of any repetition or further disciplinary offences. The final written warning will be issued by the Group Convener of the Group Whip.
- (b) A copy of the final written warning will be retained by the Group Whip for a period of 24 months and will be referred to in the event of the disciplinary procedure being invoked against the member in that period.
- (c) Subject to there being no further breaches of Standing Orders the warning will expire after a discipline free period of 24 months unless otherwise specified.
- (d) If it is considered appropriate to suspend the Whip for a period, or expel the member, where this involves a Group Spokesperson, or where the member is in the Scottish Government the Group Leader will be informed. The Group Leader will consider the continued suitability of a Group member to hold a Spokesperson position or Scottish Government Office.

#### Clause 9

- (a) Where disciplinary action has previously been taken against a member and has proved ineffective, the Group may consider it appropriate to expel or suspend him/her from the Group.
- (b) In order to suspend or expel a member from the Group, a special meeting must be convened with a minimum of seven days notice being given and the reason for the meeting being advised to all members of the Group.
- (c) The decision to consider expelling or suspending a Group member must be made by two-thirds majority vote of Group members. The group members must then decide by two-thirds majority vote whether or not the member concerned has acted further in breach of any clause of the Standing Orders.



- (d) In consideration of whether or not to expel a Group member and whether or not he/she has acted further in breach of Group Standing Orders, the member concerned must be informed by the Group Convener or Group Whip which clause he/she is considered to be in breach of, what actions are deemed to constitute the breach, that a vote will be taken of all Group members to decide whether or not a breach has occurred and that a further vote will be taken if appropriate, to decide whether or not to expel a member from the Group. Only the Group Convener or Group Whip may speak to or ask questions of the member concerned throughout the meeting.
- (e) The member concerned must be given a proper and full opportunity to explain his/her case.
- (f) If the Group decided by two-thirds majority vote that a further breach of Standing Orders has occurred, the Group must then decide by two-thirds majority vote whether or not to expel the member concerned.
- (g) Throughout the specially convened meeting, appropriate minutes must be taken. It must be duly recorded in the minutes the result of the vote to decide whether or not to consider telling the member, what clause of Standing Orders the member is considered to have acted in breach of, the actions deemed to constitute the breach, the result of the vote to decide whether or not a breach has occurred and the result of the vote to decide whether or not to expel the member.
- (h) If the decision is made to expel a member from the Group, that decision together with details of the actions to be in breach of Standing Orders must be notified in writing immediately to National Executive Committee.

#### Clause 10

- (a) A Group member is entitled to appeal against any disciplinary action taken against him/her.
- (b) Appeals must be lodged with the Group Whip within 14 days of receipt of the letter confirming disciplinary action and must state the grounds of appeal.
- (c) Appeals will be heard by a panel comprising three people drawn from those who are Members of the National Executive Committee or Members of the European Parliament or Members of the Westminster Parliament. No MSP may be a member of the appeal panel. The appeal should normally be arranged within 21 working days of receipt of the letter of appeal. The National Executive Committee will be asked to decide the make up of the panel.

- (d) Appeals against all warning and sanctions will end at this level.
- (e) A Group member will be given written confirmation of the date and time of an appeal hearing at least seven working days in advance.

#### Clause 11

In the event of the Group Convener or Group Whip being the subject of disciplinary action the Group Leader will appoint another Group member to act as replacement when dealing with disciplinary action as outlined in this code.

#### Clause 12

The disciplinary record of all members of the Group will be supplied to the National Secretary at his/her request.

# **Standing Orders for the SNP Group in the United Kingdom Parliament**

## **1 Membership of the Group**

Membership of the Group will be open to approved Scottish National Party candidates at the time of their election and who accept or have accepted in writing the Standing Orders of the group. In all other cases membership shall be extended only to those members who have applied for membership and accept the aims and policy of the SNP, as well as the Standing Orders of the Group.

## **2 Responsibilities and Conduct of Members**

### **2.1 Members will—**

- (a) Abide by and support the SNP's policies. Group discipline and Group decisions.
- (b) Treat the position as a full-time commitment with an attendance and work rate commensurate with that status. The Chief Whip will be responsible for advising the Group if the performance of any member is inconsistent with this standard.
- (c) Adhere to the Code of Conduct for Members of the UK Parliament
- (d) Accept that no member shall within, or outwith the Parliament, publicly criticise a Group decision, policy or another member of the Group.
- (e) Accept that Members will be expected to establish a constituency office, preferably together with the local SNP MSP and to liaise with the Party organisations covering their constituency.
- (f) Recognise the importance of the group staff in providing support to the SNP Group in Parliament. All members of the Group will therefore be required to contribute equally from their Office Cost Allowance to the cost of maintaining the Group Staff, at a level set by the Group.
- (g) Adhere to all decisions taken democratically by the Group. Any Member registering their dissent at the time of the group decision must meet with the Chief Whip as soon as possible to discuss the situation.

- (h) Ensure that, in the event that a Member is unable to meet their commitments as a Member due to personal circumstances or illness, that the Chief Whip should be notified as soon as possible.
- (i) Note that if Pairing arrangements are in place, requests for Pairing should be lodged with the Chief Whip using the Requests for Pairing Form as soon as possible prior to the day when a Pair is requested. No verbal requests for Pairing can be accepted. Members are advised that a request for Pairing may not result in a Pair being given.
- (j) Recognise that members who have been paired or given dispensation by the Chief Whip to be absent from Parliament on sitting days, must be prepared to return immediately at the Members own expense to the Parliament on the direction of the Chief Whip.
- (k) Be required to attend all Group meetings unless given prior dispensation has been granted by the Chief Whip. Accept that it is the responsibility of any Member who has prior dispensation to miss a group meeting to make themselves aware of Group decisions on all decisions and to support such decisions, which have been taken.
- (l) Recognise that failure to comply with the above will result in disciplinary action being taken against the Member.

### 3 Leader of the Group

The Leader of the Group will be elected by the Group after the General Election and on an annual basis thereafter.

### 4 Deputy Leader of the Group

The Deputy Leader of the Group will be elected by the Group after the General Election and on an annual basis thereafter.

### 5 Group Executive

5.1 On an annual basis the group shall elect its Leader, Deputy Leader, Secretary and two further members who will form the Group Executive. The Group Executive will meet regularly when the UK Parliament is in session.

5.2 On an annual basis the group will elect members to internal organisations of the SNP as appropriate and as defined in the Constitution and Rules of the Scottish National Party.

5.3 The Group shall appoint a Treasurer who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the Political Parties, Elections and Referendums Act 2000.

## 6 Group meetings

6.1 The Group will meet on a regular basis when the UK Parliament is in session to—

- (a) Consider future parliamentary business and the stance to be adopted by the Group;
- (b) Hear reports from the Leader, Chief Whip and Group Spokespeople;
- (c) Deal with matters of internal discipline; and
- (d) Elect nominees from the Group for appropriate positions not determined by the Group Leader or Chief Whip

6.2 To ensure continuity with the SNP Groups in the Scottish and European Parliaments, members from these Groups will be eligible to attend meetings of the Westminster SNP group on a non-voting basis and vice versa. Any other individual may be invited to attend the Group only by invitation of the Group. Non-Members attending the Group would be required to accept the constraints of confidentiality of the business that will be required of members in that Group.

6.3 The Quorum of Members required to constitute a meeting of the Group shall be 40% of Group Members.

## 7 Appointments by the Leader of the Group

The Leader of the Group will make the following appointments—

- (a) Group Spokespeople and their specific portfolios;
- (b) Chief Whip, subject to the approval of the Group;
- (c) Chairmanship of Parliamentary Committees;
- (d) Parliamentary Posts to be nominated by the SNP

- 8 Appointments by the Chief Whip
  - 8.1 The Chief Whip will make appointments to places on Committees.
  - 8.2 Members will abide by the decision of the Chief Whip regarding placement on Committees and any changes that may be required. Attendance and contribution at Committees will be monitored and recorded by the Chief Whip.
- 9 Exercise of a Group Whip
  - 9.1 All matters not designated by the Group as being free votes or matters of conscience, shall be subject to the full Group Whip. The Group will define when Members can exercise a free vote.
  - 9.2 Matters of Conscience are matters where there is clear Party policy but also which touch on personal conscience or religious faith. Members shall be free, with the agreement of the group, to exercise a conscience vote on such matters, provided the viewpoint is expressed with moderation and care, and acknowledgement is given to Party policy. If such a viewpoint is to be expressed it must be discussed in advance with the Chief whip. Such areas can also include areas of vital constituency interest.
  - 9.3 The Chief Whip must be timeously informed if an individual wishes to exercise a conscience vote and will advise the member if consent has been granted.
- 10 Discipline
  - 10.1 Principles of Disciplinary procedures—
  - 10.2 The Chief Whip will take action in accordance with the Standing Orders.
  - 10.3 The Chief Whip is responsible for monitoring breaches of Standing Orders and for the application of the disciplinary process against Members. The appropriate forms of disciplinary action shall be a verbal warning, a written warning, a final written warning, suspension or expulsion from the Group or any other disciplinary action considered appropriate.
  - 10.4 The Chief Whip will have power to suspend a Member between scheduled meetings of the Group, and will be required to bring the case to the Group for approval at a special meeting convened for the purpose of discussing the disciplinary process.

10.5 Members may be suspended or expelled from the Group on a recommendation of the Group Leader or Chief Whip, and supported by a two-thirds majority of those attending a duly constituted meeting of the Group.

10.6 Suspension will be for a given period.

10.7 Notification of the reason for suspension or expulsion will be explained to the Member concerned by the Group Whip prior to the next scheduled meeting of the Group, at which, Members will discuss the case.

10.8 A full record of all disciplinary action against any member will be held by the Chief Whip, including details of each charge, a note of what action was taken, and copies of any correspondence or notes detailing the outcome of disciplinary action. The record will, at the discretion of the Chief Whip, be made available to the relevant constituency association of the SNP. It will also be made available to the National Assessment Committee before consideration of any application to become an approved Scottish National Party candidate by the Member in the future.

## 11 Staff Relations

11.1 SNP members will—

- (a) Treat all staff in accordance with guidance by the Personnel Advice Service and Independent Parliamentary Standards Authority (IPSA) for members of UK Parliament.
- (b) Recognise the right of all staff to be a member of a Trade Union whether employed by the Member or the Group. Staff should be advised of this right, and a clause should be included in their Contract of Employment.

11.2 The employer of Group staff, unless otherwise delegated, is the Leader of the Group.

11.3 Members should recognise the complexity of employment legislation and should, in the interests of common employment practice, seek the assistance of Group or Parliament staff in dealing with any staff disputes, subject to existing Trade Union involvement.

## 12 Approval and Amendment of Standing Orders

- 12.1 Any amendments to these Standing Orders will be subject to approval by National Council or National Conference. The Group will review Standing Orders after each election to the UK Parliament.
- 12.2 By signing these Standing Orders, you are accepting that you have read and understood the terms and conditions of group membership, recognise the duties and responsibilities you have as a Scottish National Party Member of the UK Parliament, and accept that you are bound by its contents.



# Standing Orders for SNP Council Groups

## 1 Membership

Members of the group shall be all Councillors who were approved SNP candidates at the time of the elections, who have signed the Group Standing Orders and are current SNP members.

## 2 Duties

### 2.1 SNP Councillors will—

- (a) Abide by all legal requirements relating to their conduct as Councillors.
- (b) Hold a minimum of one surgery per month.
- (c) Work closely with local community councils.
- (d) Work with all local organisations for the benefit of the community.
- (e) Provide effective representation of local issues to their Council.
- (f) Represent the needs and views of all constituents.

2.2 In all other cases, e.g. where a serving Councillor wishes to join the SNP Group, membership of the SNP, acceptance of the aims and policies of the SNP and acceptance and signing of Group Standing Orders by the Councillor(s) concerned will be required. The Councillor(s) concerned must be vetted and approved by the National Executive Committee of the SNP. The views of the local Council Group, Branch(es) in the ward for which the Councillor in question is a member and the Local Government Liaison Committee should be taken into account at the vetting stage. All members of the group shall accept and sign the Group Standing Orders without qualification or reservation.

## 3 Adherence to Standing Orders

3.1 All group members must abide by these standing orders.

3.2 The attached disciplinary procedure is incorporated in these standing orders and applies to breaches of them.

- 3.3 If the SNP standing orders for local authority groups are amended by the Party all group members shall sign the amended standing orders as soon as practicable after amendment.

#### 4 Office Bearers

- 4.1 Office-bearers of the Group shall consist of a Leader, Depute Leader, Secretary and Group Whip. The Group shall also select a spokesperson for each council service committee and any other office-bearers or positions as are deemed necessary by the Group. In administration these will be the office holders of the Council and its committees. Press liaison will be as agreed by the Group.
- 4.2 The Group shall appoint a treasurer who shall adhere to procedures laid down in the Financial Scheme for the purpose of compliance with the relevant legislation.

#### 5 Election of Office-Bearers

- 5.1 Office-bearers shall be elected by a majority of members of the Group at a meeting of all Councillors in the Group to be called after the local government elections and before the first statutory meeting of the Council.
- 5.2 All Group elections shall be by preference voting in secret ballot. In the event of a tied vote, up to three re-ballots may be held and thereafter, if necessary, the issue will be determined by chance. The Convener of the Local Government Liaison Committee should agree a date and then call and convene the first meeting of the Group at the earliest opportunity and before the first statutory meeting of the Council. The National Secretary shall be notified of the date of this meeting and its outcome.
- 5.3 Should this first meeting fail to be held within 10 days of the local government elections, the National Secretary shall be empowered to call such a meeting with a minimum of three days' notice being given to all Councillors in the Group.
- 5.4 Office-Bearers shall hold office for one year, but shall be eligible for re-election. They should be elected at the annual general meeting of the Group in March of each year. In an election year the Group's Annual General Meeting will be postponed until the first meeting of the Group following the election, as detailed in clause 5.1

5.5 Upon the death or resignation of any office-bearer, convener, vice-convener or spokesperson, or on retiral of an office-bearer, convener, vice-convener or spokesperson as a member of the Group, a replacement may be elected at any Group meeting for which a minimum of three days notice of election has been given. Such a meeting will normally be held within 21 days of such a death, resignation or retiral.

5.6 No office-bearer, convener, vice-convener or spokesperson can be removed during his/her term of office except by a vote of the majority of Councillors at a special meeting of the Group convened for this purpose and for which a minimum of seven days notice has been given to all Councillors in the Group and the National Executive Committee.

## 6 Attendance

6.1 Attendance at all Group meetings shall be mandatory, unless special exemption from attendance has been given by the Group Leader or Group Whip, who will notify the Group of such exemption.

6.2 The quorum of the Group shall be more than half of the Group's members.

## 7 Group Decision-Making

7.1 Decisions on policy, strategy, voting, notices of motion and all other Group activity shall be taken at Group meetings by majority decision, with the Group Leader having a deliberative and a casting vote. All decisions will be made with due regard to the Party's policy and direction.

7.2 In the event of circumstances precluding a Group meeting, the Group Leader, in consultation where practical with the Depute Leader and relevant Convener or Committee Spokesperson, shall be empowered to make a decision on policy, strategy, voting, notices of motion and all other Group activity, including that of no action. Any such decision shall be presented for discussion and possible ratification at the next appropriate Group meeting.

7.3 No member shall, within or outwith the Council chamber, publicly criticise a Group decision or policy or another member of the Group.

7.4 By majority decision the Group may allow its members a free or conscience vote on a specific issue.

- 7.5 By a majority decision, the Group may allow any member permission to abstain on an issue of personal conscience or on an issue of material importance to that member's ward but only in exceptional circumstances.
- 7.6 Issues on which such a free or conscience vote is sought must be raised at a Group meeting and a majority decision taken, in advance of any Council meeting to discuss or decide upon that issue. When in doubt, advice should be sought from the National Secretary.
- 7.7 No decision of the Group shall be reconsidered except under certification of a change in circumstances by the Group Leader, or by the passing of a recall motion by a two-thirds majority of the Group.
- 7.8 It is the responsibility of any member who misses a Group meeting to make him/herself aware of group decisions on all issues prior to any council or committee meeting and to support such decisions on all occasions.
- 7.9 No member shall vote, act or speak contrary to a decision of the Group or fail to act in accordance with a decision of the Group.
- 7.10 A free vote will be allowed as a matter of course on items of a quasi-judicial nature and in personnel appointments.

## 8 Attendance Record

- 8.1 A record of attendances at or absences from Group, council and committee meetings shall be kept by the Group Whip.
- 8.2 The Group Whip will report to the Secretary of the Local Government Liaison Committee at the end of each calendar year detailing each Councillor's attendance record at Group Meetings, council and committee meetings and of any occasion when disciplinary action has been taken. Such reports shall be copied to the National Secretary.
- 8.3 It is the responsibility of any Group member who is unable to attend a council or committee meeting to advise the Group Whip and relevant Convener or committee spokesperson in advance, and where appropriate, find a substitute to attend from the Group members on that committee.

## 9 Rights to Representation at Group Meetings

- 9.1 Representatives from the Local Government Liaison Committee, and from Branches within the council area, shall be entitled to attend

Group meetings as observers with the right to speak but not to vote on any matter. Representatives from the National Executive Committee and local MSPs, MPs and MEPs shall also be entitled to attend on the same basis.

9.2 These rights do not extend to any items designated as exempt information or confidential.

9.3 It is the responsibility of the Group Secretary to inform the Secretaries of the Local Government Liaison Committee and Constituency Associations within the council area of the date, time and place of meetings.

## 10 Group Reports

The Group shall appoint at least one member to attend or send a written report to the Constituency Association(s) in the Council area and at least one member to attend meetings of the Local Government Liaison Committee.

## 11 Frequency of Meetings

Meetings of the Group shall take place regularly, preferably on a weekly basis, and not less than twice per Council cycle, at a time, date and venue agreed by the Group. Agenda, sederunt and minutes will be kept for each meeting by the Group Secretary.

## 12 Disputes

In the event of any dispute between meetings of the Group on the content and/or meaning of any clause of these Standing Orders the Group Leader shall immediately inform the National Secretary in writing of the nature of the dispute and seek an interpretation by which the Group shall abide.

## **SCOTTISH NATIONAL PARTY COUNCIL GROUP STANDING ORDERS**

### **APPENDIX— DISCIPLINARY PROCEDURE FOR SNP COUNCIL GROUP MEMBERS**

#### **Section 1**

This disciplinary procedure applies to all SNP Council Group members.

#### **Section 2**

Disciplinary procedures may be invoked against a Group member for a breach of any clause of the Group Standing Orders on receipt by the Group Leader of a signed, written report from any member of the group stating the clause within standing orders which has allegedly been breached and the alleged manner and circumstances of the breach.

The Group Leader will then issue a letter to all Group Members calling a disciplinary hearing. Should a complaint be made regarding the Group Leader, correspondence will be sent to the Depute Group Leader who will fulfil the role of the Group Leader in dealing with such a complaint.

The letter calling such a meeting must give members a minimum of 7 days notice (14 days where expulsion is to be considered in the event of a decision that the member is in breach).

Within the letter the member concerned must be informed by the Group Leader which clause he/she is alleged to be in breach of and of the alleged manner and circumstances of the breach and that a vote will be taken at the meeting to decide whether or not a breach has occurred. A copy of all such letters will be sent also to the Convener of the Local Government Liaison Committee who will be entitled to attend, as an observer, all such meetings. A copy of all such letters shall also be sent to the National Secretary. A representative of the National Executive Committee shall be entitled to attend all such meetings.

The member concerned must be given the opportunity to explain his/her actions, to answer any questions asked and to state his/her case.

Any Group decision that a member has acted in breach of Standing Orders must be carried by a two-thirds majority of members present (excluding the member complained of).

### Section 3

Except where expulsion is considered appropriate, the Group Leader, Depute Group Leader and the Group Whip will determine the disciplinary action to be taken following a Group decision that a member has breached standing orders.

### Section 4

The available forms of disciplinary action shall be a spoken warning, a written warning, a final written warning and expulsion from the Group.

The Chair of the Local Government Liaison Committee will receive copies of all written warnings issued.

### Section 5

At the same time as a warning, an appropriate punitive sanction may be imposed by the Group Leader, Depute Group Leader and Group Whip.

Notification of the warning and any punitive sanction imposed should be sent to the National Secretary.

### Section 6

Where a spoken warning is issued, it will be confirmed in writing by the Group Leader to the member concerned. A copy of that confirmation will be retained by the Group Whip for a period of six months and will be referred to in the event of the disciplinary procedure being invoked against the member in that period.

Subject to there being no further breaches of the Group Standing Orders, spoken warnings will expire after a discipline-free period of six months unless otherwise specified.

### Section 7

If the breach is considered to be a serious one, or if a further breach occurs whilst a member is subject to a current spoken warning, a written warning will normally be given. The written warning will be issued by the Group Leader and be counter-signed by the Group Whip. The Group member will be left in no doubt as to the reason or grounds for the warning and the likely consequences of repetition or further disciplinary offences.

A copy of the written warning will be retained by the Group Whip for a period of twelve months and will be referred to in the event of the disciplinary procedure being invoked against the member in that period.

Subject to there being no further breaches of Group Standing Orders, written warnings will expire after a discipline free period of twelve months.

It is considered appropriate to impose a punitive sanction when a written warning is given. Where the breach involves inappropriate comments to the press or media, the member concerned should be banned from speaking to the press or media for an appropriate fixed period not exceeding 3 months. In addition, or where the breach involves other actions, it is considered appropriate to suspend the Whip for an appropriate fixed period not exceeding 3 months or, where the Group is in administration, to remove Convenership or Vice-convenership or other office from the member concerned for an appropriate period.

## Section 8

If a breach is considered sufficiently serious to warrant more than a simple written warning, or where there has been a further breach within 12 months after the issue of a previous written warning, a final warning will normally be given. The Group member will be left in no doubt as to the reason and grounds for the warning and likely consequences of repetition or further disciplinary offences. The final written warning will be issued by the Group Leader and counter-signed by the Group Whip. This shall be copied to the National Secretary.

A copy of the final written warning will be retained by the Group Whip for a period of twelve months and will be referred to in the event of the disciplinary procedure being invoked against the member in that period.

Subject to there being no further breaches of Standing Orders, the warning will expire after a discipline free period of twelve months unless otherwise specified.

It is considered appropriate to impose a punitive sanction when a final written warning is given. Where the breach involves inappropriate comments to the press or media, the member concerned should be banned from speaking to the press or media for an appropriate fixed period not exceeding six months. In addition, or where the breach involves other actions, it is considered appropriate to suspend the Whip for an appropriate fixed period not exceeding 6 months or where the Group is in administration, to remove a Convenership, Vice-convenership or other office from the member concerned for an appropriate period.

## Section 9

Where disciplinary action has previously been taken against a member and has proved ineffective, the Group may consider it appropriate to expel him/her from the Group.



In order to expel a member from the Group, a special meeting must be convened with a minimum of fourteen days notice being given.

The National Secretary shall be advised of the date and time of the meeting and may arrange for a member of the National Executive Committee to attend.

The letter convening such a meeting must clearly advise the member concerned, and all other Group members, which clause he/she is alleged to be in breach of and the alleged manner and circumstances of the breach and that votes will be taken to decide whether or not the member is in breach and, if so, whether to expel the member.

The member concerned must be given the opportunity to explain his/her case.

Any decision that the member is in breach and any decision to expel from the group must be made by a two-thirds majority vote of members present (excluding the member complained of).

Throughout the specially convened meeting, appropriate minutes must be taken. All decisions must be duly recorded.

If the decision is made to expel a member from the group, that decision, together with details of the actions deemed to be in breach of standing orders, must be confirmed in writing immediately to the Group member and notified to the National Secretary.

## Section 10

A Group member is entitled to appeal against a decision to expel him from the Group on one or more of the following grounds—

- A. That the expulsion was not effected in accordance with group standing orders.
- B. There was other significant unfairness in the expulsion procedure.
- C. In the circumstances expulsion was unfair and/or excessive.

To exercise the right of appeal the Group member must write to the National Secretary within 21 days of the written confirmation of expulsion intimating his intention to appeal and stating the ground(s) of appeal and a summary the matters on which he/she relies in support of the ground(s).

The National Secretary shall copy the intimation to the Group Secretary and refer the appeal to the Appeals Committee to hear the Appeal in terms of the Disciplinary Rules.

# Financial Scheme

## 1 Introduction

This scheme sets out how the Scottish National Party ('the Party') will organise its financial affairs to comply with the Political Parties, Elections and Referendums Act 2000 ('the Act').

## 2 Constitution

The Party's structure and organisation, and how these are determined, is detailed in the constitution and rules.

## 3 Accounting Units

3.1 The Party has 258 accounting units separate from its central organisation in order to provide for each constituent organisation to be responsible for its own financial affairs.

3.2 The following constituent organisations are to be accounting units —

Constituency Associations	44
Constituency Branches	29
Branches	185

## 4 Other Organisations

4.1 The Party's constitution provides for the establishment of members associations and the affiliation of other organisations within the Party. The following such bodies have been established:

- (a) SNP Scottish Parliament Group
- (b) SNP Westminster Parliament Group
- (c) SNP European Parliament Group
- (d) SNP Groups on Scottish Local Authorities
- (e) Association of Nationalist Councillors
- (f) Trade Union Group
- (g) Young Scots for Independence
- (h) Federation of Student Nationalists

- (i) Scots Asians for Independence
- (j) SNP Women's Forum
- (k) Westminster Liaison Committees
- (l) Council Liaison Committees
- (m) Regional Liaison Committees

4.2 For the purpose of compliance with the Act the financial affairs of the bodies listed above are designated as members associations, and each of them have been notified of their need to report donations and loans within 30 days of receipt.

## 5 Financial Year

The Party's financial year will run from 1 January to 31 December.

## 6 Role of the Registered Treasurer

6.1 The registered treasurer of the Party is responsible for the whole Party's compliance with the requirements of the Act, including the following:

### Annual Accounts

6.2 The Party will submit an annual statement of accounts to the Electoral Commission ('the Commission') with an auditor's certificate by the required date, being 7 July of the year following the end of the financial year.

6.3 In order to comply with this requirement, the registered treasurer has:

- (a) put in place arrangements for ensuring that annual statements of accounts for the Party are prepared, approved, audited where necessary and submitted to the Commission by the prescribed deadline for each register the Party is on; and
- (b) put in place accounting processes capable of meeting the Act's accounting record keeping requirements and of any regulations made by the Commission about the format of statements of accounts.

## Donations and Loans (Regulated Transactions)

6.4 The Party will report the donations and loans it receives each quarter to the Commission, for each of the registers it is registered on, within the following timescales:

- (a) Quarter 1 (1 January – 31 March) by 30 April of that year
- (b) Quarter 2 (1 April – 30 June) by 30 July of that year
- (c) Quarter 3 (1 July – 30 September) by 30 October of that year
- (d) Quarter 4 (1 October – 31 December) by 30 January of the following year

6.5 In order to comply with this requirement, the registered treasurer will:

For donations:

- (a) record information for all donations of more than £500, including:
  - amount or value of the donation
  - full name of donor
  - registered address of donor
  - company registration number (if applicable)
  - date on which the donation was received
  - date on which the donation was accepted or returned; and
  - information about the trust (if applicable).
- (b) check the permissibility of any donations over £500 within 30 days of receipt;
- (c) ensure that impermissible or unidentifiable donations of more than £500 to the Party are recorded as outlined above and returned to the sender or financial institution that transferred the money or, if that is not possible, surrendered to the Commission;
- (d) ensure that a submission of quarterly donation reports covering donations exceeding £7,5000 (including aggregates of donations

and regulated transactions) and any impermissible or anonymous donations of more than £500 is made to the Commission within the above timescales, submitting a nil return if there are no reportable donations; and

- (e) provide weekly donation reports to the Commission during UK Parliamentary election campaigns.

For loans (regulated transactions):

- (a) record information about all regulated transactions (loans, credit facilities, etc.) of more than £500, including:
  - value of benefit of the transaction
  - name of all authorised participants
  - registered address of participants
  - company registration number (if applicable)
  - nature of the transaction
  - date agreement entered into; and
  - the terms of the transaction.
- (b) ensure that the Party does not enter into any regulated transactions over £500 with unauthorised participants;
- (c) ensure that a submission of quarterly transaction reports covering transactions exceeding £7,500 (including aggregates of donations and regulated transactions) and any void transactions or transactions of more than £500 entered into with an authorised participant is made to the Commission within the prescribed timescales, submit a nil return if there are no reportable transactions; and
- (d) ensure weekly regulated transaction reports can be submitted during UK Parliamentary election periods if we are contesting the election.

## 7 Campaign Expenditure

- 7.1 The Party will submit a campaign expenditure return within three months of the date of a UK Parliamentary election, European

Parliamentary election or Scottish Parliamentary election if expenditure is less than £250,000 or within six months of the date of the election if expenditure exceeds £250,000. If expenditure during the campaign exceeds £250,000, the Party's return will be submitted with an auditor's certificate.

7.2 In order to ensure compliance with the legislation, the registered campaigns officer will:

- (a) ensure that campaign expenditure and claims payments are duly authorised, received and paid on time and that all relevant receipts and invoices are kept;
- (b) put in place budgeting and monitoring arrangement to ensure that campaign expenditure is within the statutory limits; and
- (c) ensure the compilation, auditing (if necessary) and timely submission to the Commission of a campaign expenditure return within the statutory deadlines.

## 8 Referendums

If the Party participates in a referendum to which Part VII of the Act applies, arrangements for compiling with the controls on referendum expenditure will be put in place by adapting those for the control of campaign expenditure.

## 9 Grants

The Party will ensure that any grants from the Commission to the Party are spent in accordance with the conditions of grant imposed by the Commission, and agree to cooperate with any associated audit requirements specified by the Commission.

## 10 Changes to Registered Details

10.1 The Party will ensure that the details that are registered with the Commission are kept up to date. Changes to registered officers will be notified to the Commission within 14 days and any other changes within 28 days.

10.2 The Party will ensure that a RP8 annual confirmation of registered details and £25 fee are submitted to the Commission within six months of submission of the statement of accounts.

10.3 The Party note that failure to submit a RP8 annual confirmation of registered details within the prescribed timescale will result in statutory removal from the register of political parties, and understand that this would mean that the Party would no longer be able to field candidates at elections under the registered party name.

## 11 Role of Other Party Officers

11.1 Should the appointment of the registered treasurer terminate for any reason, then the registered leader will, until a new treasurer is appointed, be treated as the registered treasurer and will be responsible for ensuring that the Party complies with its legal obligations.

11.2 Should the registered treasurer whose appointment is terminated also be leader, then the nominating officer will, until a new treasurer is appointed, be treated as registered treasurer.

## 12 Role of Accounting Unit Treasurers

12.1 Accounting Unit Treasurers will:

- (a) in accordance with any guidance or framework laid down by the registered treasurer, set up and maintain accounting records capable of meeting the accounting record keeping requirements of the Act;
- (b) in accordance with any guidance or framework laid down by the registered treasurer, set up and maintain arrangements for ensuring that annual statements of accounts for the Party are prepared, approved, audited if necessary and submitted to the Commission on time;
- (c) deal with donations in accordance with arrangements laid down by the registered treasurer;
- (d) deal with regulated transactions in accordance with arrangements laid down by the registered treasurer;
- (e) if required by the Party campaign officer's plan and budget for campaign expenditure and if authorised to do so, play a role in the administration and control of campaign expenditure; and
- (f) if there is a referendum to which Part VII of the Act applies and if the Party campaign officer's plan and budget so requires, play

a role, if authorised to do so, in the administration and control of referendum expenditure.

13 Promoting Compliance with the Act

The registered treasurer will ensure that the party leader and all other officers and members of the Party have sufficient knowledge of our financial obligations under the Act to ensure that the Party as a whole complies with these obligations.

14 Penalties and Offences

The Party understands that the Commission may impose civil penalties on parties that fail to comply with their legal obligations, including failures to submit statutory returns on time. The Party also understands that failure to comply with certain legal requirements of being a registered political party is a criminal offence.

15 Amendments to the Financial Scheme

The registered treasurer will ensure that any proposed amendments to this Financial Scheme are submitted to the Commission for approval.



## **Finance and Audit Committee Rules and Brief**

### **1 Membership**

- 1.1 Membership shall consist of up to nine members of whom eight shall be nominated by the National Treasurer and the ninth shall be the National Treasurer.
- 1.2 The Party's Chief Executive Officer shall be a non-voting member.

### **2 Meetings**

- 2.1 Meetings shall be held not less than once per quarter otherwise as required.
- 2.2 A quorum shall be three members, one of whom must be the National Treasurer.
- 2.3 Meetings will be chaired by the National Treasurer.

### **3 Agenda and Minutes**

- 3.1 By the nature of this committee decisions may be required at short notice. Agenda will therefore be circulated as far in advance of the meeting as possible or tabled at the meeting by the National Treasurer.
- 3.2 Brief minutes will be kept recording decisions taken and the rationale behind those decisions.

### **4 Brief of the Sub-Committee**

- 4.1 The Finance and Audit Sub-Committee (FAC) will be responsible for reviewing and recommending to NEC, HQ and other budgets together with relevant cash flow statements to ensure fiscal prudence and good corporate governance and management of the Party's finances and assets. For the sake of clarity political expenditure will be reviewed on the basis of affordability only.
- 4.2 FAC will review all unbudgeted or one-off expenditure which may be proposed in order to validate affordability and fiscal responsibility. This will include proposed breaches of previously approved budget headings – even if the overall budget remains unchanged.
- 4.3 In the event that budgeted, unbudgeted, or unauthorised expenditure is incurred without the proper procurement processes, both regulatory and corporate, being complied with then FAC, through

National Treasurer, shall submit a report to the NEC detailing any material breaches of regulatory and good corporate governance.

- 4.4 In the event of such a breach as is detailed in 4.3, FAC shall be empowered to recommend approval of the expenditure in retrospect and the report to the NEC will clearly reflect that status.

## 5 Electoral Commission

- 5.1 The Electoral Commission lays down certain regulatory requirements in relation to the Party's expenditure including a procurement process.
- 5.2 Where there is a conflict between the regulatory approval process and the corporate approval process then the regulatory process shall prevail. However, the corporate approval process must take place prior to the regulatory approval process. FAC will make every effort to ensure that the two processes run smoothly together.

## 6 Regulatory Procurement Breaches

- 6.1 Breaches of the regulatory procurement policy which may lay the Party open to regulatory censure will be treated very seriously.
- 6.2 It is noted that this regulatory procurement policy covers budgeted as well as unbudgeted expenditure.
- 6.3 The Party's Chief Executive Officer will be responsible for reporting all breaches of the regulatory procurement policy to FAC. The facts in each case shall be reviewed and a report sent to the NEC through the National Treasurer.

## 7 Commitment to Ongoing or Repeat Expenditure

All proposals to commit the Party to ongoing or repeat expenditure such as Hire Purchase Agreements, leasing of equipment, or any other such proposals must be approved in advance by FAC unless specifically included in annual budget proposals and approved at annual budget review.

# Explanatory Notes to the Revised Constitution

## *Introduction*

1. These notes were prepared by Scott Martin, Solicitor to the Scottish National Party to allow delegates to better understand the drafting of the resolution incorporating a revised constitution. It was noted that if the resolution was passed, these notes may also provide future assistance to members in interpreting the constitution. Where the words of any paragraph in the constitution are clear, that takes precedence over any explanation provided in these notes.

## *The Constitution, and the Rules of the Party*

2. Constitutions should only contain fundamental provisions. The SNP's constitution should be about what makes the Party the party it is and the principal structures and mechanisms which exist to achieve its aims.
3. Our constitution was last reviewed in 2004. One of the main achievements of that constitution was to strip it down to the essentials, removing provisions which had built up since the constitutions of 1948 and 1973 were adopted and placing them in the Rules of the Party.<sup>1</sup> The correct role for rules is to expand on the constitution and contain details inappropriate for a constitution because of the need for flexibility around non-core aspects of the party.
4. The 2004 Constitution was passed at a Special National Conference with rules later approved at a meeting of National Council. The constitution contains a number of references to named rules. Many of the paragraphs merely signpost the existence of rules. This is unnecessary unless there is further specification in the constitution on the content of those rules. A member looking for information on branch processes will consult the branch rules, rather than go to the constitution. Paragraphs which merely reference the existence of rules without any further specification have therefore been removed in the revised

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<sup>1</sup> The founding constitution of the Scottish National Party was in relatively brief terms and was approved on 7 April 1934. It was structurally similar to the Constitution of the National Party of Scotland. The 1948 Constitution was the cause of controversy, as it banned membership of other political parties. The rationale for adopting a new constitution in 1973 was removing inconsistencies which had built up over time. The 1973 Constitution was itself subject to many revisions over the years, including at a Special Conference in February 1985 which considered the Report of a Commission of Inquiry ordered by the Party Chairman to review the structures and organisation at national and local level. The Constitution adopted in 2004 contained a number of innovations, the most notable being the introduction of One Member One Vote for elections of the Leader, the Depute Leader, and for the selection of all candidates for public office.

constitution. The intention in looking at a new format for rules is to incorporate a preamble with the applicable constitutional provisions, allowing members to see everything they need to see in one document.

### *General Drafting*

5. The opportunity provided by the review has been taken to revise the constitution to reflect the modern drafting practices as seen in Scottish Parliament Bills.<sup>2</sup> This includes:
  - Using plain language;
  - Drafting in the present tense throughout;<sup>3</sup>
  - Replacing the legalistic imperative 'shall' with 'must';<sup>4</sup>
  - Removing conflicting provisions; and
  - Reviewing the text for gender neutrality, including acceptability to non-binary persons.
6. The ordering of paragraphs in the constitution has also been revisited for logical order and grouping. Broad section headings have been introduced. The headings are designed to make it easier for readers of the constitution to locate what they need, rather than to provide any interpretative aid to the constitution. Throughout, the constitution has been reviewed against practice to ensure alignment.

### *Detailed Commentary on the Resolution and the Revised Constitution*

#### *Resolution*

7. The resolution contains a revised Constitution of the Scottish National Party. Some of the new constitutional arrangements can be introduced immediately. Others, including the new National Office Bearers and Regional Members for NEC will require elections and a transition from our current arrangements. The revised constitution contains a new power to allow directions to be made to transition from current arrangements to the new constitutional position and it is this power referred to in the resolution.

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<sup>2</sup> See [Drafting Matters!](#), Parliamentary Counsel Office / Scottish Government, August 2016.

<sup>3</sup> There is tendency for drafters of constitutions and other legal documents to write using the future tense because that is when the document will apply. This creates awkward and stilted phraseology and ignores the legal rule that the law is 'constantly speaking' – See 'The future tense' and 'The time problem' in *Plain Language for Lawyers*, Michèle M Asprey, The Federation Press, Fourth Edition, 2010, pps 149-153 & 184-186.

<sup>4</sup> See 'Overuse of "shall"' in *Modern Legal Drafting – A Guide to Using Clearer Language*, Peter Butt & Richard Castle, Second Edition (2007), Cambridge University Press, pps 131-137.

8. The main text of the resolution also restates the membership subscription levels, branch dividend payment and the parliamentary levy from the resolutions on “Central Membership Systems” and “Parliamentary Levy” passed at Annual National Conference at Inverness in 2003. The rate for ordinary associate members of the SNP who are under 16 was not part of that resolution, but is included in the current resolution. Annual National Conference in 2009 also passed a resolution allowing asylum-seekers who were living under the voucher scheme who wished to join the SNP to be given free associate membership until such time as they have access to funds.
9. Affiliated Organisations of the Party are listed in the resolution. These include existing organisations and ones to be added following the “drafting instructions” resolution passed at National Conference in June 2018.

*The Party [Paragraphs 1-3]*

10. No material changes are being made to the first three central paragraphs in the constitution, other than general drafting improvements. The first paragraph illustrates why modern present tense drafting removes odd and illogical language. The current constitution reads “The Party shall be named the Scottish National Party”. Neither the existing 2004 Constitution nor the new constitution created or creates the SNP. We have been here since 1934. It therefore makes no sense to draft as if the constitution is bringing a party named the Scottish National Party into existence.
11. The name of the Party registered with the Electoral Commission was changed from simply “Scottish National Party” to “Scottish National Party (SNP)” in 2011. That was to allow the initials to appear after the name on ballot papers. The name of the party for internal constitutional purposes remains “Scottish National Party” and it is not proposed to change the name to the registered name of the Party.

*Membership Principles and Benefits of Party Membership [Paragraph 4]*

12. Paragraph 4.3 of the current constitution contains “principles which shall govern the Membership Rules”. A more direct drafting approach is appropriate for such a key paragraph in the constitution. Membership has been reframed as a series of rights of members of the party, eligibility rules and requirements on members of the Party.
13. The constitution does not currently set out the benefits of party membership. A list of high-level membership rights is appropriate in a modern party

constitution. The rights are broadly stated and subject to further detailed provision, but these rights are useful as an introduction to the constitution.

*Membership – Acceptance by ‘appropriate body’ [Paragraph 4.3(e) of the 2004 Constitution]*

14. The current constitution includes as a principle governing the Membership Rules that “A member shall have been accepted into the Party by the appropriate body, as defined in the Membership Rules.” The Membership Rules do not define the ‘appropriate body’ for the purpose of positively accepting members, but it is likely that the Branch or Constituency Branch was in the mind of the drafters. The provision pre-dates centralised membership back to a time when branches issued membership cards to members and there was a more formal process of members being accepted into the party. This might have involved new members being introduced to the branch at meetings or their names being read out, with the branch then accepting them into membership. The 1948 Constitution refers to members being elected into membership of a branch or group, which as a process is a marker of small clubs of an exclusive character. We are certainly not that.
15. The reality of a mass membership party in the digital age is that members overwhelmingly join online. In a practical sense, there is no possibility of members being positively accepted into the branch in any meaningful way, particularly during membership surges, such as recently occurred after the Westminster walk out in June 2018. The draft therefore removes the formal requirement for members to be accepted into a body of the Party as reflective of earlier periods in the Party’s history and not being in accord with current realities and practice.
16. On removing the formalities of ‘acceptance’, there remains the issue of members who attempt to join the Party who should not be in the Party, including members who have previously publicly resigned or have been expelled. Under Rules 2.3 and 2.4 of the Membership Rules, the National Executive Committee is stated to have reserved the right to declare any membership invalid for a period of ninety days after first subscriptions are paid or a Direct Debit put in place. Branches may make representations on such matters. There is also provision in the Membership Rules on Re-admission of members following a public resignation. These details will continue to be dealt with in Rules of the Party, as anticipated in the revised constitution.

*Conduct of Members [Paragraph 5]*

17. We currently have a single Code of Conduct which covers all members. Codes of Conduct have been issued in the past to candidates. Standing Orders for the

Parliamentary Groups and for Council Groups have their own standards and processes. It is right that office bearers of the Party, including local office bearers, candidates and elected politicians are held to a higher standard than ordinary members of the Party. The amendments look to having codes with additional standards required of members in these categories.

18. Under the 'drafting instructions' codes are to be updated to expand on the references to discrimination and to deal with sexual harassment, inappropriate conduct, social media abuse and bullying in all forms. There will be further discussions on the content of these codes, which will continue to be drawn up and maintained by the National Executive Committee. The Code of Conduct for Members will require to be approved by National Conference.
19. A flexible sanctioning scheme was also part of the resolution passed by National Conference. The revised constitution sets out the additional sanctioning powers to allow a sanction to better fit the breach. The proposal also renames the Disciplinary Committee as the Member Conduct Committee to emphasise that the committee's role is not just to discipline members but to work in improving future conduct through its new powers, which include requiring a member to undertake appropriate training connected to the breach.
20. There is currently a level of confusion in the party between the Appeals Committee, which is elected by National Conference and hears appeals from the current Disciplinary Committee, and the Appeal Panel, whose Chair is appointed by the National Executive Committee and considers appeals against decisions on approval of candidates. The existing Appeals Committee is renamed the Conduct Appeals Committee in the revised constitution, with the Appeal Panel becoming the Candidate Appeals Panel.
21. Another part of the resolution provided that "The role of the National Secretary in relation to complaints against individuals will be transferred to a Standards Fiscal, with the National Secretary retaining a role in relation to the broad standards framework." This remains the intention. The revised constitution includes a new specific power of National Officer bearers to delegate their responsibilities to other persons. The National Secretary will require to carry out the roles currently provided for until a Standards Fiscal can be appointed. New Rules of the Party setting out the processes before the new committees will have to be in place before a Standards Fiscal will be able to take on their new role. Using a Scheme of Delegation route will allow the National Secretary to better define which of their existing responsibilities are to be transferred to the Standards Fiscal in line with the resolution passed in June 2018.

*Approval and Selection of Candidates [Paragraphs 7-10]*

22. The Party currently has a section on 'Mainstreaming Equality of Opportunity' in the Vetting and Selection Rules. Given the importance of equality issues in the Party and in society more generally, these provisions have been moved into the constitution as their more appropriate home.
23. There used to be two separate sets of rules on the approval and selection of candidates – one for parliamentary elections and another for local authority elections. The processes are now much more in alignment. The paragraphs in the constitution dealing with approval and selection of parliamentary and local government candidates have been merged in the revised constitution to fully reflect these changes. The word 'vetting' is also removed as being potentially more suggestive of a check to ensure that a candidate has no 'skeletons in the cupboard' (technically, 'negative vetting'), than what the process actually is – a positive approval of the candidate as suitable for standing for public election on behalf of the Party.
24. As well as the Vetting and Selection Rules and the provisions in the constitution, before each scheduled election the National Executive Committee promulgates a document on selection processes containing timetables and rules, including rules on how candidates may contact members through the online membership hub and by other approved means. In practice, the document produced by the National Executive Committee has incorporated the necessary parts from both the constitution and the Vetting and Selection Rules in the text. The Vetting and Selection Rules have somewhat sat in the shadow of the Selection document issued by the National Executive Committee. Members seeking selection find it useful to have everything in one document. Rather than have the current position of rules in three places and duplicated, the revised constitution sets out what may be included in a single document. The intention is that there will be standing documents to cover by-elections and individual documents issued for each other election.
25. A new provision is included in the revised constitution to cover vacancies on a Scottish Parliament regional list. Legislation effectively gives the nominating officer of the Party (currently our Chief Executive), the power to decide who is returned from the party list when a vacancy arises during a Scottish Parliamentary term. Issues could arise over the suitability of the next person on the list to serve as a parliamentarian for the party. The paragraph confirms that any decision which needs to be taken on certification of a candidate is to be made by the National Executive Committee, rather than the statutory nominating officer of the Party.



### *Minimum Branch Membership Levels [Paragraph 11.2(a)]*

26. The current requirement in the constitution is that a branch must have not fewer than twenty members. This figure dates from the 1948 Constitution. Membership of the Party has increased massively since 1948, and a number of additional office bearers have been added to the requirements in the branch rules. Having the minimum number in the constitution makes for inflexibility. The consultation with branches favoured a flexible constitution with numbers removed, where possible. The draft therefore removes the number from the constitution, allowing it to be fixed in branch rules. Any adjustment to the number can be debated when new branch rules are presented for approval.

### *Branch Boundaries [Paragraphs 11.1, 11.3 & 14.2-14.4]*

27. The paragraphs on branches are partly reflective of the time when the SNP did not have a full branch network in Scotland. The constitution now needs to set out processes for changing existing arrangements, rather than creating new organisations in areas where the SNP had not previously organised. The revised constitution does that, reflecting what organisational restructuring is now possible, and current party practice on changes to structures.
28. The existing paragraph on branches in the constitution also contained some repetition and inconsistency with rules. Rule 8.1 of the Constituency Association Rules gives the association responsibility for determining the boundaries of branches within the constituency while Paragraph 5.5 of the Constitution has that responsibility resting with the National Executive Committee after consultation with the Constituency Association in accordance with the Branch Rules. There is currently nothing in the Branch Rules which regulate branch boundary change.
29. Before centralised membership, it would have been possible for branch boundaries to be adjusted locally. With centralised membership, a very high proportion of members join online, and systems require new members, and members who move, to be accurately allocated to their branch. The revised constitution aligns with party practice and has the National Executive Committee as the body maintaining the list of which branches operate in which area of Scotland.

### *Replacement of Liaison Committees [Paragraphs 15-17]*

30. The 2004 Constitution created generic liaison committees which the National Executive Committee tasked with responsibility for different levels of election. To better focus the role of these arrangements, particularly as the revised

constitution also creates Regional Steering Committees, the mention of generic liaison committees has been replaced in the draft with Westminster Campaign Committees (the name used prior to the 2004 Constitution and by many members) and Council Campaign Committees.

31. Constitutional amendments in 2004 created some confusion over the continued existence and powers of City Associations.<sup>5</sup> The revised constitution would create an additional power of the National Executive Committee to approve local campaigning organisations, other than the bodies mentioned in the constitution.

*Regional Steering Committees [Paragraph 18]*

32. Eight new regional steering committees are established under the revised constitution with roles set out in the constitution. In practice, this is likely to be a developing space and each region may well decide to co-ordinate between local organisations in different ways.
33. The members who have a vote on these new committees are set out in the paragraph, as well as members entitled to attend. The provision is drafted in a way which does not preclude other members from being invited to meetings, in whole or in part, if they have appropriate experiences or proposals to share.

*National Assembly [Paragraph 19]*

34. The paragraph on National Assembly has been redrafted in accordance with the resolution from Conference in June 2018. National Assembly remains national in character but meets around the country. The resolution specifically provided that the National Assembly “will be organised and financed centrally”. Finance is not specified at each point in the constitution. It is therefore unnecessary to carry over this drafting instruction from the resolution as it is already implicit in the constitution.
35. The intention is that the National Executive Committee will become peripatetic, meeting on the same day as National Assembly and inviting regional leaders to share their local experience and activities.

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<sup>5</sup> City Associations were first established in 1985 in Aberdeen, Edinburgh, Dundee and Glasgow on District and Regional Associations being abolished. The reference to City Associations was removed in the 2004 Constitution, but some have continued to meet as City Associations, rather than as Local Authority Liaison Committees.

*National Council [Paragraph 10 of the 2004 Constitution]*

36. The paragraphs on National Council are removed from the constitution in implementation of the 'drafting instructions' resolution. A number of the functions of National Council, for instance its role in calling National Conference, have been reallocated under the new constitution.

*National Conference as "Supreme governing body" [Paragraph 20.1]*

37. The resolution proposes explicitly adding "policy-making" to the description of National Conference as "the supreme governing body of the Party". The current characterisation of National Conference can be traced to the 1931 Constitution of the National Party of Scotland, with the phrase being copied over from that document into the 1934 Constitution of the Scottish National Party.
38. Our Party and its predecessor were very different parties in the 1930s than the Party is today. An active branch network covering all of Scotland and a fully staffed professional headquarters came many years later. National Conference would have spent much more time on organisational practicalities than it does today.
39. Most of conference is now taken up with policy resolutions rather than pure issues of governance. The internal sessions where National Office Bearers are called to account by the delegates form a core part of the agenda, but the greater time of conference is occupied by policy debates. To reflect this reality, and to emphasise that National Conference remains the sovereign forum for policy, the proposal to add "policy-making" is made.

*National Conference and Annual National Conference [Paragraphs 20.3-20.7]*

40. The resolution passed in June 2018 requires there to be one conference each year on the existing basis of delegate entitlement and at least one other conference which can have a smaller entitlement. This is implemented in the draft with one addition – to recognise the essential role that our local councillors have in the Party's success they now have an automatic right to be a delegate to Annual National Conference.

*Policy Development Committee and Conferences Committee [Paragraphs 21-22]*

41. The June resolution also required the creation of two new committees. The Policy Development Committee at its heart is aimed at making sure we get the right resolutions for debate at National Conference. There is a renewed focus on initiatives coming directly from members.

42. The Conferences Committee would take on much of the role of the existing Standing Orders and Agenda Committee. This includes a role in the Standing Orders of National Conference which, despite its name, is not technically a current responsibility of SOAC under our constitutional arrangements.

*National Office Bearers [Paragraph 23 & 31.3(d)+(e)]*

43. Three new National Office Bearers are added to our existing ones as agreed at June National Conference – Equalities Convener, BAME Convener and Disabled Members’ Convener. One of the amendments to the resolution would add a fourth – Member Support Convener. The Disabled Members’ Convener was added as a post by acclaim of conference following a suggestion by the Business Convener, although it was not originally included in the printed resolution.
44. The roles of National Office Bearers are currently contained in the Rules Providing National Officer Bearers’ Job Descriptions, including the roles of the core office bearers. This means that the roles of the core office bearers, including that of the Leader of leading election and other campaigns and articulating the argument for Scottish Independence are not stated in the constitution, where they properly should be.
45. The approach of the revised constitution is to take the roles of President, Leader, Deputy Leader, National Secretary, National Treasurer and Business Convener from the existing rules and place them in the constitution. The roles of other office bearers are to be agreed by the National Executive Committee. Overall, the approach gives core National Office Bearer tasks the correct place in the constitution, while giving flexibility for other roles to develop. As well as job descriptions, the National Executive Committee is to be given a new explicit power of agreeing workstreams with all National Office Bearers.

*Leader and Deputy Leader Roles [Paragraphs 25 & 26]*

46. The reference in the current constitution to the leader also being the registered leader of the party has been removed from the revised version, as that is a legal requirement under the relevant legislation and therefore does not require to be repeated in the constitution.<sup>6</sup>
47. The Deputy Leader directs the party’s policy-making processes. The Party’s manifesto for elections is an extremely important document, but is not currently mentioned in either the Constitution or the Rules of the Party. The practice has been for the Deputy Leader to have the key role in the preparation of the

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<sup>6</sup> Section 24 of the Political Parties, Elections and Referendums Act 2000.

manifesto with the Party Leader having ultimate sign off as the person who leads the election campaign. The revised constitution recognises this practice by explicitly giving the Depute Leader responsibility for the preparation of manifestos for parliamentary elections. The role in local government elections will primarily lie with the Local Government Convener in the capacity of giving advice to SNP Groups on local authorities and to Council Election Committees.

*Election of Leader and Depute Leader [Paragraph 30.3]*

48. Paragraph 15.7 of our current constitution states that the Leader and Depute Leader are to be elected on an annual basis. This is more reflective of the position before the 2004 Constitution when the Leader was elected by delegates to Annual National Conference. The better way of stating the reality is that the office of Leader and the office of Depute Leader are both open for election each year in the run up to Annual Conference if a challenger has collected the required signatures by the close of nominations. This is the drafting approach now adopted.
49. Neither the current version of the constitution nor the Leadership Election Rules deals with the situation of a Leader or Depute Leader being elected otherwise than by a vote in the run up to Annual National Conference. The proposal is to amend this to require the National Executive Committee to set out a timetable and process when a vacancy arises, in accordance with current practice.

*Other National Office Bearers [Paragraphs 27-29]*

50. The traditional position of the National Secretary as the “guardian of the Constitution of the Party” is explicitly recognised in the rules for the first time. As guardian, the National Secretary ensures that the principles in the Constitution at the core of the Party continue to be observed. The phrase is deliberately guardian of the Constitution, rather than guardian of the “Constitution and Rules”<sup>7</sup> or the guardian of the “Constitution, Standing Orders and Rules of the Party”. This is because the constitution is the Party’s primary document and Rules of the Party which are inconsistent with the Constitution of the Party are of no effect. The National Secretary would also be expected to act

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<sup>7</sup> Longer-standing members sometimes refer to the “Constitution and Rules of the Party”. Until 2004, there was a combined document with Part 1 containing core constitutional provisions and Part 2 being the more detailed Rules of the SNP. Under the 1949 Constitution, Part 2 could be amended by National Council, while Part 1 required National Conference to amend. The Rules of the Party are now in a separate series of documents. Rules of the Party dealing with debates and other aspects of the operation of the Parliamentary Groups and other bodies, such as National Conference are in documents referred to as “Standing Orders”.

as guardian of the Rules of the Party in the usual situation where these rules are entirely consistent with the Constitution.

51. The Constitution now incorporates the practice of the National Treasurer in convening the Finance and Audit Committee of the Party. This committee reviews budgets and procurement processes and can make recommendations to the Party to ensure good governance. The Party also has external auditors for its national accounts. The ability of the National Treasurer to provide guidance and directions to other Treasurers in the Party is also made a specific power of the National Treasurer.

*Decision-making by the National Executive Committee [Paragraph 31]*

52. An expanded National Executive Committee, with 16 regional members replacing the existing the six ordinary members who are not parliamentarians, additional National Office Bearers and representatives from all Affiliated Organisations makes it even more important that there is clarity on how the committee uses its decision-making powers.
53. Local authorities and many boards have Schemes of Delegation setting out at which level decisions are ordinarily taken. The proposal has the National Executive Committee working in such a manner with the Scheme being agreed by each new committee elected at Annual National Conference. National Office Bearers with specified powers under the revised constitution can similarly delegate any appropriate power. Delegating powers does not delegate overall responsibilities. In some instances, the National Executive Committee may choose to delegate powers only in certain situations, such as ones where no controversy arises or in an emergency. National Office Bearers will be responsible for deciding themselves whether any of their powers are to be delegated, and in what circumstances.

*Equalities and the National Equalities Forum [Paragraphs 14.1, 34 & 37.5]*

54. The revised constitution would establish a National Equalities Forum to bring together representatives from each of the party's networks representing groups which have been under-represented in the past. Other equality-related issues introduced into the constitution is a requirement that meetings of the party are held in appropriate and accessible venues and the ability of the National Executive Committee to provide finance to disabled members to remove the barriers to equal participation in the activities of the Party.

*Use of the term “Members’ Associations” [Paragraph 16 of the Constitution of 2004]*

55. The 2004 Constitution added a section on “Members’ Associations”. These are associations which are formed by members ‘wishing to cater for a specific interest’. “Members association” has a particular legal definition in the Political Parties, Elections and Referendums Act 2000.<sup>8</sup> Under the Party’s Financial Scheme under that Act, some party bodies are to be regarded as Members associations under the legislation, even although they are not “Members’ Associations” under the constitution. The revised constitution uses “Members’ Interest Group” for better clarity and to avoid confusion with a term of art used in the law of political party regulation.

*Members’ Interest Groups and Affiliated Organisations (Paragraphs 35 & 36)*

56. The constitution provides that both Affiliated Organisations and what are currently termed Members’ Associations have their status reviewed annually at National Conference. That is not something which has happened in practice and there is nothing in the constitution or any rules which gives an indication of what a review is to involve. Receiving reports from Affiliated Organisations is one of the specified responsibilities of National Conference. The requirement for review has been removed from the revised constitution. It has not been thought necessary to review the status of any of these organisations in the past and National Conference retains the power to dissolve any Members’ Interest Group and to disaffiliate any Affiliated Organisation.
57. Both types of organisation are required to have a constitution conforming to either the Members’ Association Rules or the Affiliated Organisation Rules. These two sets of rules do not provide any detailed clauses. The general requirements in these rules are to include provisions, such as appointing a treasurer, which would be expected to appear anyway in any properly drafted constitution. Rather than have a set of rules which say what should be in the constitution of these organisations, the revised constitution adopts the simpler approach of having the National Executive Committee approve the constitution and any amendments to the constitution of these bodies. It would be expected that before any constitution was presented to the National Executive Committee there would be a discussion on these issues with the organisation concerned.
58. To underline that it is not just a matter of being able to satisfy the National Executive Committee that these organisations have an appropriate constitution on paper, the amendments add a requirement that Members’ Interest Groups and Affiliated Organisations must operate in terms of their constitution.

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<sup>8</sup> See Paragraph 1(6) of [Schedule 7](#).

*Finance [Paragraph 37-41]*

59. The General Financial Provisions and the paragraph on Borrowing and Debt largely follow our existing constitution. The operation of the 'Branch Dividend', membership fees and the payment of the Parliamentary Level are currently based on resolutions passed at Annual Conference in 2003. It is appropriate for these resolutions to be incorporated into the constitution.
60. The mechanism for the funding of regional activities was remitted back by National Conference in June 2018, largely on the basis of concerns over the employment status and rights of the proposed regional organisers. The revised constitution would give Regional Steering Committees the power to decide to divert branch dividend from Branches and Constituency Branches within their area to purposes agreed with the National Executive Committee. A Working Group has discussed the funding of Regional Co-ordinators employed by the Party centrally. The National Executive Committee has agreed that if a Regional Steering Committee commits to a diversion of half of the branch dividend this will be match funded centrally for the purposes of employing a Regional Co-ordinator. Details are in the National Treasurer's report to conference. The voting members of Regional Steering Committees are two delegates from each Constituency Association and Constituency Branch in the region.
61. Branches were generally in favour of giving the bodies currently known as Westminster Liaison Committees the same power as Constituency Associations to call on funds at election time. An amendment to that effect is provided, which recognises that there will be a need to make an apportionment for Branches, Constituency Branches and Constituency Associations which do not fall wholly within a UK Parliamentary constituency. The Scottish Parliament process is also clarified to make it apply from the issuing of the notice of election. As in the past, it is expected that local party bodies will agree how much they will contribute to each parliamentary campaign, rather than have the power explicitly invoked.

*Group Standing Orders [Paragraph 42]*

62. Until the 2004 Constitution, the SNP Parliamentary Groups maintained their own Standing Orders, amending them as required under their own procedures. Since the 2004 Constitution, amendment has been by resolution passed at National Conference. There are references remaining in Standing Orders to issues which arose during the first session of the Scottish Parliament. Faced with the option of having Standing Orders which have become outdated or having to go through the full process of an amendment and taking up the valuable time of National Conference, the option has generally been for the groups to work



within the existing Standing Orders. Parliamentary Groups have therefore requested a reversion to the pre-2004 position.

63. The revised constitution provides a mechanism for Parliamentary Group Standing Orders to be revised by a two-thirds vote in the group followed by a two-thirds vote by the National Executive Committee. As National Conference remains the supreme governing (and policy-making) body of the party, nothing in the revised constitution precludes a resolution being passed by National Conference to amend any group standing orders.
64. Standing Orders for Council Groups have similarly suffered from not being subject to updating and review by National Conference. Standing Orders were drafted when the SNP was not the force it now is in local government. The new mechanism for amending Council Group Standing Orders parallels the arrangement for the parliamentary groups with any proposal coming from the Association of Nationalist Councillors.

*Rules and Standing Orders [Paragraph 43]*

65. The National Executive Committee is given a general power to draw up and maintain the Rules of the Party. Exceptions are the rules for the conduct of debates at National Conference, which are kept under review by Conferences Committee, and the rules and procedures for elections at Annual National Conference. Codes of Conduct for Members and the rules for the basic organisational structures of the Party: Branch, Constituency Branch and Constituency Association, may only be amended by National Conference.
66. National Conference retains the power to amend all Standing Orders and Rules of the Party, including those rules which will ordinarily be drawn up and amended by the National Executive Committee. If National Conference chooses to amend a provision in one of these rules, the National Executive Committee is barred from reversing the decision of National Conference. In this situation, the National Executive Committee could only propose a resolution to Conferences Committee for debate at a subsequent National Conference.
67. There is a requirement that all Standing Orders and Rules of the Party must be based on the principles laid down in the Constitution “read widely”. A wide reading of a provision requires a reading which goes beyond a narrow textual consideration and looks at the wider intent behind the text.

### *Amending the Constitution [Paragraph 44]*

68. Legislation doesn't normally come into force automatically. It comes into force through a power given by Parliament to the Government to make commencement orders. They allow legislation to be brought in on specified dates and in a stated orderly manner – providing for some transition between the old and the new.
69. The amendment proposes that our Parliament (National Conference) gives our Government (the National Executive Committee) the power to transition constitutional changes when necessary. It is important that this power is a limited one. The proposal is that the power given to the National Executive Committee to transition any change does not extend beyond the next Annual National Conference of the party.
70. The power to make Transitional Directions will not apply if a resolution specifies when it is to commence. So, if a resolution says that the constitutional amendment is to take effect immediately, or on a specified date, that is what will happen, and the National Executive Committee will have no constitutional power to change that. If this part of the resolution is passed by Conference, then the new Conferences Committee will be expected to ensure that in drafting constitutional amendments, proposers are made aware of the options they have to allow for transition, or to fix in the resolution when it is to have effect. In practice, Transitional Directions are most likely to be required for major constitutional changes.

### *Interpretation [Paragraph 45]*

71. The nature of a party constitution for an unincorporated association,<sup>9</sup> and of any rules properly made under the authority of the constitution, is of an agreement

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<sup>9</sup> The legal nature of the Scottish National Party, and most other major parties, is that of an unincorporated association. This is an organisation of individuals "bound together for one or more common purposes... by mutual undertakings, each having mutual duties and obligations, in an organisation which has rules which identify in whom control of it and its funds rests and upon what terms, and which can be joined or left at will" [Classic modern definition contained in the case of *Conservative and Unionist Central Office v Burrell*, [1982] 1 WLR 522 (CA)]. Unlike a company or a partnership or other corporate bodies, an unincorporated association has no legal existence separate from the individual members. Branches of the Scottish National Party do not have an existence separate from the party as a whole – *Newtongrange Branch of the Scottish National Party v Scottish National Party*, Lord Osborne, Outer House, 10 July 1999. The Scottish Law Commission reviewed the law in its *Report on Unincorporated Associations* in 2009.

between each of the members of the Party. These documents are construed in the same manner as applies in respect of contracts in general.<sup>10</sup>

72. The constitution provides for conveners of meetings to make reasonable rulings on any issue which arises before them, with issues of interpretation arising between meetings the responsibility of the National Secretary, if asked to interpret the Party's rules and regulations. The National Secretary may also be expected to bring any clarifying amendments or more general changes required to the National Executive Committee or to National Conference.

*Availability of Rules [Paragraph 46]*

73. As there would be some rules under the revised constitution, such as Standing Orders of the Parliamentary Groups, which will no longer go through National Conference, a new obligation is created in the Constitution to require an updated version of all of the various Party rules and rulings to be made available to members on the Party's website.

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<sup>10</sup> For a recent example of the courts in Scotland interpreting the rules of a party see [Asim Khan v Scottish Executive Committee of the Scottish Labour Party](#) [2018] CSOH 68 (challenge to Labour Party selection processes in Glasgow South West). For a more general case on the rules of an unincorporated association see [Crocket v Tantallon Golf Club](#) [2005] CSOH 37, 2005 SLT 663. For a discussion of the some of the principles which applies to interpreting party rules see [Evangelou & Others v McNicol](#) [2016] EWCA Civ 817(case on the 2016 Labour Party Leadership election) at paragraphs 18-24.

## Document Version History

1.00	Oct 2018	Original version with rules, etc. as at Annual Conference 2018
1.01	Nov 2018	<p>Foreword added</p> <p>Revised constitution added and footnoted to include text from the preamble to the resolution and the Transitional Directions</p> <p>Transitional Directions added</p> <p>Membership Rules replaced</p> <p>Branch Rules annotated to reflect Transitional Directions</p> <p>Liaison Committee Rules annotated to reflect Transitional Directions</p> <p>Rules on Conduct and Procedure of National Conference annotated to reflect Transitional Directions</p> <p>Standing Orders for National Conference annotated to reflect Transitional Directions</p> <p>Organisation Performance and Development Rules removed</p> <p>Rules on Conduct and Procedure of National Council removed</p> <p>Standing Orders for National Council removed</p> <p>Rules Providing National Officer Bearers' Job Descriptions removed</p> <p>Disciplinary Rules annotated to reflect Transitional Directions</p> <p>Members' Association Rules removed</p> <p>Affiliated Organisation Rules removed</p> <p>Resolutions from Conference of Constitutional Status removed</p>
1.02	Feb 2019	<p>Latest version of Financial Scheme substituted</p> <p>Minor corrections to text</p>
1.03	May 2019	Constitutional amendment on conference voting for delegates incorporated into constitution
1.04	Oct 2019	Revisals to Standing Orders for National Conference

1.05	Feb 2020	Selection Rules for the Scottish Parliament Elections in 2021 added  Removal of Standing Orders for the SNP Group in the European Parliament
1.06	Aug 2020	Candidate Assessment Rules added  Revised version of Selection Rules for the Scottish Parliament Elections in 2021 substituted
1.07	Nov 2020	Annual Conference Election Rules added
1.08	Dec 2020	Dates added to the Regional List Selection Timetable annexed to the Selection Rules for the Scottish Parliament Elections in 2021  Standing Orders for the National Executive Committee replaced  Selection Rules for Parliamentary By-Elections replaced